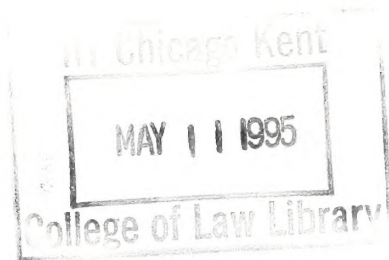


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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 15, 1995 - Issue 37: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code. 303
- 3) Section number: Proposed Action:
303.155 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 8 and 8c of the Personnel Code [20 ILCS 415/8 and 8c].

5) A Complete Description of the Subjects and Issues Involved: Under this proposed amendment, the Section will provide specifically that leave extensions may be granted for a period of time less than one year. It also provides that an employee who returns from a leave should be restored to the same or similar position in the same county employed in prior to the leave. These are clarifying changes which are consistent with how the rule is currently being interpreted and administered.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
303.90	Amend	19 Ill. Reg. 2524
303.125	Amend	19 Ill. Reg. 2524
303.130	New	19 Ill. Reg. 2524
303.140	Amend	19 Ill. Reg. 2524
303.145	Amend	19 Ill. Reg. 2524
303.148	Amend	19 Ill. Reg. 2524
303.155	Amend	19 Ill. Reg. 2524
303.390	New	19 Ill. Reg. 2524

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was not included in the regulatory agenda because the need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section

303.10 Definition of a Grievance
 303.20 Procedure
 303.30 Grievance Committee
 303.45 Representation

SUBPART B: LEAVE OF ABSENCE

Section

303.90 Sick Leave
 303.100 Accumulation of Sick Leave
 303.102 Payment in Lieu of Sick Leave
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 303.153 Failure to Return
 303.155 Leave to Take Exempt Position
 303.160 Military and Peace Corps Leave
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

303.290 Payment in Lieu of Vacation
 303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section

303.300 Work Schedules
 303.310 Emergency Shut-Down
 303.320 Overtime
 303.330 Overtime Payable Upon Death
 303.340 Attendance Records
 303.350 Notification of Absence
 303.355 Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section

303.360 Undated Forms
 303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section

303.380 Reason for Separation
 303.385 Repayment of Benefit Time

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: LEAVE OF ABSENCE

Section 303.155 Leave to Take Exempt Position

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

With prior approval by the Director, an agency may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Personnel Code. Such leaves of absence may be for a period of one year or less and may be extended for additional ~~one-year~~ periods of one year or less. At the expiration thereof, an employee shall be restored to the same or similar position in the same county from which the leave was granted upon making application of the employing agency with continuous service including the period of such leave, except that employees who are on leave of absence status from positions subject to Term Appointment of January 1, 1980 shall be subject to the provisions of Term Appointment and whose rights shall be terminated under the provisions of this Part if not reappointed pursuant to 80 Ill. Adm. Code 302.841. In approving such leaves the Director shall verify the agency approval and employee's agreement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medicaid Home and Community-Based Services for Developmentally Disabled Recipients

- 2) Code Citation: 59 Ill. Adm. Code 120

- 3) Section Numbers: Proposed Action:

120.10	Amended
120.20	Amended
120.25	Added
120.30	Repealed
120.40	Amended
120.50	Amended
120.60	Repealed
120.70	Amended
120.80	Amended
120.90	Amended
120.100	Amended
120.110	Amended
120.120	Amended
120.130	Repealed
120.140	Amended
120.150	Amended
120.160	Amended

- 4) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-19 of the Public Aid Code [305 ILCS 5/5-1 through 5-19] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are necessary to update the individual eligibility criteria, eligibility determination process, descriptions of covered services, and provider requirements for the Medicaid home and community-based services waiver program for individuals with developmental disabilities. The intergovernmental agreement with the U.S. Health Care Financing Administration governing the waiver program has been amended since this Part was originally adopted November 9, 1983. The proposed amendments to this Part are consistent with the most recent agreement.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

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AND DEVELOPMENTAL DISABILITIES
NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? This rulemaking incorporates by reference State and federal statutes and regulations.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg, Rules Administrator
Illinois Department of Mental Health and
Developmental Disabilities
403 Stratton Building
Springfield, IL 62765
(217) 785-3313 or FAX at (217) 524-0835

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: Community agencies which provide services to individuals with developmental disabilities under the Medicaid home and community-based services waiver.
- B) Reporting, bookkeeping or other procedures required for compliance: Additional documentation of the appropriateness of services is required in the individual service/support plan. No other reporting, bookkeeping or other procedures are affected.
- C) Types of professional skills necessary for compliance: These amendments do not impose requirements for additional professional skills necessary for compliance.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: It was included in the most recent regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES
NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 120

MEDICAID HOME AND COMMUNITY-BASED WAIVER SERVICES FOR
INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES BEHAVIORALLY-DISABLED
RECIPIENTS

SUBPART A: GENERAL PROVISIONS

Section	
120.10	Definitions
120.20	Purpose
120.25	Incorporation by reference
120.30	Program description (Repealed)
120.40	Service descriptions
120.50	Target population

SUBPART B: SYSTEM COMPONENTS

Section	
120.60	Overview (Repealed)
120.70	Service provider requirements vendor-contracts
120.80	Program assurances
120.90	Department audit

SUBPART C: INDIVIDUAL RECIPIENT RIGHTS AND RESPONSIBILITIES

Section	
120.100	Overview
120.110	Appeals and fair hearings
120.120	Individual Recipient responsibilities

SUBPART D: OPERATIONAL PROCEDURES

Section	
120.130	Filing an application (Repealed)
120.140	Eligibility criteria
120.150	Eligibility determination
120.160	Individual service/support habilitation plan

AUTHORITY: Implementing Section 3 of the Community Services Act (405 ILCS 30/3) and Sections 5-1 through 5-11 of the Public Aid Code (305 ILCS 5/5-1 through 5-11) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS

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NOTICE OF PROPOSED AMENDMENTS

1705/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 15630, effective November 9, 1993; emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 18 Ill. Reg. 15600, effective October 5, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 120.10 Definitions

For the purposes of this Part, the following terms are defined:

"~~Case-coordination~~:"--~~The provision of assistance and advocacy services to a recipient for the purpose of assuring and/or coordinating the provision of necessary services and support.~~

"Code." The Mental Health and Development Disabilities Code [405 ILCS 5].

"Community integrated living arrangement (CILA)." A living arrangement provided by a licensed community development disabilities services agency where eight or fewer individuals with a developmental disability reside under the supervision of the agency. Individuals receive a customized array of flexible habilitation or personal care supports and services in the home, in day programs and in other community locations under the supervision of a community support team within the local agency. [210 ILCS 135]

"Community living facility (CLF)." A facility geared to assist the individual in preparing for independent living. Emphasis is placed on teaching the individual ~~person~~ adequate social and daily living skills. Individuals are involved in practical experiences in community living and are guided in planning for and using ~~utilizing~~ leisure time and developing the ability to function independently in the community. Community living facilities are limited to no more than 20 individuals, age 18 or older (Community Living Facilities Licensing Act [210 ILCS 35])~~;~~ ~~Ill. Rev. Stat. 1981r-ch-111-1/27-par-410-et-seq.~~

"Community residential alternatives (CRA)." A group home, as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140] ~~(Ill. Rev. Stat. 1981r-ch-91-1/27-par-621-et-seq.)~~, for eight or fewer developmentally disabled adults with developmental disabilities who are unable to live independently but are capable of community living if provided with an appropriate level of supervision,

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NOTICE OF PROPOSED AMENDMENTS

assistance and support services. A community residential alternative may provide training and guidance to individuals ~~recipients~~ in the skills of daily living and shall provide opportunities for participation in community activities. A community residential alternative shall not be a medical or nursing facility.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Days." Unless otherwise indicated, means calendar days.

"Department." The Department of Mental Health and Developmental Disabilities.

~~"Developmental disability."--A disability which is attributable to mental retardation, cerebral palsy, epilepsy, or autism or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (Ill. Rev. Stat. 1981r-ch-111-1/27-par-1-106).~~

"Developmental training." A day program that focuses on the development and enhancement of daily living skills such as motor development, dressing, grooming, toileting, eating, language, reading and writing, quantitative skills, capacity for independent living, economic self-sufficiency and reduction of maladaptive behaviors.

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Grant agreement." When fully executed the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan. Requirements for grant-in-aid funded providers are contained in the Department's rules at 59 Ill. Adm. Code 103.

"Guardian." A person appointed by the court as the plenary or limited guardian or conservator of the individual for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements of the natural or adoptive parent of a minor or a person acting as a parent of a minor. ~~A person appointed as a guardian of the person and/or estate under the Probate Act of 1975~~

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(1111-Rev-Stat-1981-CH-110-1/27-par-1-1-et-seq-)

"Habitatation." An effort directed toward the alleviation of a developmental disability or toward increasing the a-developmental disability of a person's level of physical, mental, social or economic functioning of an individual with a developmental disability. Habitatation may include, but is not limited to diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services provided to individuals with developmental disabilities. Developmentally-disabled persons by developmental disabilities facilities. (1111-Rev-Stat-1981-CH-91-1/27-par-1-111-1) (Section 1-111 of the Code)

"Home individual program (HIP)." A program which provides support and training to one or two individuals with developmental disabilities in a home environment. Care-and-training-to-one-or-two-developmentally disabled individuals in a home environment. House-parents are employed to supervise care of the recipients and to administer and/or support the individual habilitation plan. The program utilizes support services teams and assistance lines for assistance supervision training and support of the individual and a case manager for liaison with the home, family, agency, the Department and community services vendors.

"Illinois Client Information System (ICIS)." A comprehensive assessment tool used by the Department of Mental Health and Developmental Disabilities which assembles behavioral and socio-demographic information and developmental progress necessary for decision making about recipients. Programs ICIS provides socio-economic cognitive functional and behavioral data which are used to assess need for services. ICIS is a field-tested standardized tool used by the Department for the assessment of developmentally disabled individuals.

"Individual." A person with developmental disabilities who is requesting, is receiving or has received services under this Part.

"Individual service/support habilitation plan (ISHP)." A written plan of care, consistent with the individual's diagnosis and needs, which describes the habilitation goals and a projected timetable for their attainment and the services/support to be provided as defined in Section 4-309 of the Mental Health and Developmental Disabilities Code (1111-Rev-Stat-1981-CH-91-1/27-par-4-309).

"Intermediate care facility for the mentally retarded (ICF/MR)." Medicaid-certified long-term care facility as defined by 42 CFR

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440.150 (1993) serving individuals with developmental disabilities. ICF/MR includes community facilities licensed by the Department of Public Health for skilled/pediatric nursing (77 Ill. Adm. Code 390) (if certified as ICF/MR), intermediate care for the developmentally disabled (77 Ill. Adm. Code 350), intermediate care for the developmentally disabled with 16 beds and under (77 Ill. Adm. Code 350) and State-operated developmental centers.

"Licensed long-term care facility." A private home institution building-residence or other place as defined by the Nursing Home Care Reform Act of 1979 (111-Rev-Stat-1981-CH-111-1/27-par-4151-101-et-seq-), whether operated for profit or not, a county home for the infirm and chronically ill which provides personal care sheltered care or nursing for three or more persons not related to the applicant or owner by blood or marriage or an out-of-state facility meeting comparable standards. Facilities included are those that are licensed by the Department of Public Health for skilled nursing, skilled pediatric nursing, intermediate care, intermediate care for the developmentally disabled (ICF/DB), intermediate care for the developmentally disabled with 16 beds and under, sheltered care and facilities for individuals under age 22.

"MANS." Medical assistance/no grant to the aged-blind-or-disabled which is available to individuals who have sufficient income and assets to meet their maintenance needs but not sufficient income and assets to meet their medical care. Eligible individuals include Supplemental Security Income (SSI) recipients who are determined aged-blind-or-disabled by the Illinois Department of Public Aid according to the Social Security Administration's (SSA) definitions and individuals who meet requirements for assistance to aged-blind-or-disabled (AABB) financial assistance but only request medical assistance (Title XVI of the Social Security Act) 42-U.S.C.A. 1381-et-seq-1981-1.

"Mental retardation." Mentally-retarded-and-mental-retardation. Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code)

"Nursing facility." A Medicaid-certified long-term care facility. Nursing facilities include facilities licensed by the Department of Public Health for skilled/pediatric nursing (77 Ill. Adm. Code 390) (unless certified as ICF/MR), intermediate care and skilled nursing (77 Ill. Adm. Code 300).

"Pre-admission screening and resident review (PASARR) agents." Community agencies or units of local government selected by the

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Department to act as agents of the Department in carrying out certain federal and State requirements related to the assessment, determination of eligibility, and arrangements for Medicaid-funded services and supports for individuals with a developmental disability.

"Provider." Government, not-for-profit or private for-profit agency under contractual obligation with the Department to provide services to individuals with developmental disabilities.

"Purchase of service contract." When fully executed, the obligating instrument providing the basis for Departmental financial participation in purchase of service contract programs, and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the purchase of service contract.

"Qualified mental retardation professional." A person who meets the standards defined in the Department's rule at 59 Ill. Adm. Code 115.120, consistent with the federal standards at 42 CFR 442.400 (1993). (42-EPH-442-400-1992)-Any of the following persons who have specialized training in the following areas or one year of experience in working with or treating the mentally retarded:

- An educator with a degree in education from an accredited program;
- A physical therapist licensed with the Illinois Department of Registration and Education under "An Act in relation to physical therapy" (Ill. Rev. Stat. 1981, ch. 117, pars. 4201-et seq.) or an occupational therapist who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association or is eligible for certification by the American Occupational Therapy Association;
- A physician licensed by the State of Illinois under the Medical Practice Act (Ill. Rev. Stat. 1981, ch. 117, sec. 4401-et seq.) to practice medicine or osteopathy;
- A psychologist with at least a master's degree from an accredited program and/or a psychologist registered with the Illinois Department of Registration and Education under the Psychologist Registration Act (Ill. Rev. Stat. 1981, ch. 117, pars. 5301-et seq.);
- A nurse with a valid current Illinois registration to practice as a registered professional nurse under the Illinois Nursing Act (Ill. Rev. Stat. 1981, ch. 117, pars. 3401-et seq.);
- A speech-language pathologist or audiologist who is either certified or is eligible for a certification of initial competence in speech-language or audiology granted by the

American Speech-Language-Hearing Association;
A social worker registered or certified by the Illinois Department of Registration and Education under the Social Workers Registration Act (Ill. Rev. Stat. 1981, ch. 117, pars. 6301-et seq.) with a bachelor's degree in social work from an accredited program or a bachelor's degree in a field other than social work and at least three years social work experience under the supervision of a qualified social worker;
A therapeutic recreation specialist who is a graduate of an accredited program and eligible for registration in the National Therapeutic Recreation Society;
A rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification.

"Recipient." A developmentally disabled individual age 21 or older receiving services under this Part.

"Region." When used in this Part, refers to a service region through which the Department administers its programs.

"Respite care." The provision of temporary residential care and supportive services to allow an individual to remain in the community.

"Responsible relative." The spouse or parent of a recipient receiving services as defined under this Part or in the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1981, ch. 91-1/2, part 1-124).

Service coordination." The coordination of resources and supports to assist an individual in accessing, planning, linking and evaluating necessary services to ensure a comprehensive array of supports and services to meet an individual's needs, personal goals and choices as defined in the individual service/support plan.

"Service provider." See definition of "provider" in this Section.

"Service vendor." Government not-for-profit or private for-profit agency under contractual obligation with the Department to provide services to adult developmentally disabled recipients.

"Special home placement (SHP)." Foster home placement designed for individuals who can benefit from the interaction of family living, but who have no natural family willing or able to meet their needs. The homes provide training in the areas of self-help skills, social behavior management and other habilitation needs as identified. Foster parents are responsible for providing documentation of structured habilitation programs as provided in the service vendor

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agreement.--Community-resources-are-utilized-whenever-possible-

"State-operated developmental center." A residential facility providing services and supports to individuals with developmental disabilities and operated by the State of Illinois, under the jurisdiction of the Department; also called a State-operated facility.

[illegible]

State-Operated-Utility-A-Contract-Operated-by-the-State-of-

"Supported employment (SEP)." Paid work in a variety of integrated work settings in which persons without disabilities are also employed.

(Source: Amended at 19	Ill.	Reg.	effective

Section 120.20 Purpose

- a) The intent of this Part is to provide uniform direction for providers and individuals enrolled in the Medicaid home and community-based services waiver program define and describe the role of the Department of Mental Health and Developmental Disabilities designated as a provider for title XIX of the Social Security Act. Medical Assistance program--state Medicaid plan--(42-U.S.C.A.-1396a-et-seq; 1981 and 42 CFR-431; 1982).
- b) The Department of Public Aid (DPA) is the single State agency designated to administer and oversee the administration of the Medicaid program under Title XIX, Medical Assistance, of the Social Security Act (42 U.S.C.A. 1395a (1992) and 42 CFR 431 (1993)) and the Public Aid Code [305 ILCS 5]., in conjunction with the Department of Mental Health and Developmental Disabilities, requested a three-year waiver under Sections 1945(c)(1) and 1946(a)(1) of title XIX of the Social Security Act to include home and community-based services under the state Medicaid plan for the adult developmentally disabled--(8B) population;
- c) Under the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat.--1987--ch--94--127--para--1-100--et-seq;) the Department is designated as the State primary agency having primary responsibility responsible for overseeing the delivery of habilitative services to

- b) The Department of Public Aid (DPA) is the single State agency designated to administer and oversee the administration of the Medicaid program under Title XIX, Medical Assistance, of the Social Security Act (42 U.S.C.A. 1395a (1992) and 42 CFR 431 (1993)) and the Public Aid Code [305 ICS 5]., in conjunction with the Department of Mental Health and Developmental Disabilities, requested a three-year waiver under Sections 1945(f)(1) and 1945(f)(2) of title XIX of the Social Security Act to include home and community-based services under the state Medicaid plan for the adult developmentally disabled (tdd) population;

- c) Under the Mental Health and Developmental Disabilities Code (H.R. 1901), Chapter 91-27, part 2-100, section 2-100-1, the Department is designated as the State primary agency having primary responsibility responsible for overseeing the delivery of habilitative services to

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d) developmentally-disabled individuals with developmental disabilities under the Code. The Department of Public Aid as the single State Medicaid agency designated to administer and supervise the administration of the Medicaid program under Title XIX-Medicaid Assistance of the Social Security Act and the Public Aid Code until Rev. Stat. 1987 Chapter 142, part 1, et seq. was designated responsibility to the Department for administering the Title XIX Medicaid program for home and community-based services to the developmentally disabled described in this Part.

The Department of Public Aid and the Department have entered into an interagency agreement to specify their respective roles and responsibilities in operating the home and community-based services waiver program for individuals with developmental disabilities. The waiver program for individuals with developmental disabilities, the policies and procedures within this Part provide uniform direction for local, State, Medicaid, home and community-based program

- d) developmentally disabled described in this section. The Department of Public Aid and the Department have entered into an interagency agreement to specify their respective roles and responsibilities in operating the home and community-based services waiver program for individuals with developmental disabilities. The Department will continue to fund the home and community-based program and procedures within the Part provide uniform direction for policy and procedures within the home and community-based program.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

section 120.25 Incorporation by reference

Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section	120.30	Program description (Repealed)

- [illegible]

- [illegible]

- [illegible]

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e) Both community--residential settings and the natural home (biological or adoptive parents, siblings, grandparents, aunts and uncles) will be used for recipients--determined eligible for Medicaid--home--and community based--programs--These community-based residences include community living facilities, special home placements, supported living arrangements, home--individual--programs--and--community--residential alternatives--as defined in 59 Ill. Adm. Code 125.10.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 120.40 Service descriptions

This Section section describes the services covered under the Medicaid home and community-based services waiver program. All services shall be rendered in accordance with a written individual service/support habilitation plan and shall be designed to ensure the continuity of supports and services for individuals. case-for-recipients.

a) Case coordination

Case-coordination--is--a--mechanism--for--assuring--and--coordinating services--to--meet--the--needs--of--those--recipients--who--require--this service--It provides the necessary advocacy function--to--facilitate the linkage--of--a--recipient--who--has--identified--service--needs--to--the available resources--The case coordinator principally focuses on--the service--delivery--system--from--the--vantage--point--of--the--individual recipient--in--need--of--the--service--and--engages--in--resource identification and linkage (see 59 Ill. Adm. Code 125.130).

a)b) Respite care

1) This service is designed to provide relief on a short-term basis for the primary caregiver (that person individual responsible for the care and supervision of the individual maintenance--of--a recipient on a daily basis) in times of emergencies and on a regularly scheduled basis to reduce stress, thereby reducing the potential for crises. as well as the recipient in times of emergencies created by illness, death or incapacitation--of--the primary caregiver--it is also designed to reduce stress created by the recipient, thereby reducing potential crises--Respite care may be provided for scheduled periods of time at the recipient's residence or an alternative community residential center. Respite care services under the Medicaid home--and community-based program will be limited to a maximum of 30 days per year--The respite care vendor is responsible for the following:

2) Respite may be provided at the individual's natural or foster home. The respite worker may accompany the individual on day outings, consistent with the individual's needs, the individual

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service/support plan, and the direction of the primary caregiver. Respite may not be provided in day habilitation sites or to residents of Department-funded 24-hour residential settings.

3) The respite provider is responsible for the following:

- A) The individual's health and well-being of the recipient;
- B) Continuation of the individual service/support habilitation plan as indicated by the primary caregiver, and;
- C) Assumption of duties held by the primary caregiver, i.e., supervision and personal care--participation in daily living--developmental--recreational--religious--or--community activities--medical services.

b) Habilitation services

1) Habilitation provides health, social and support services are designed to assist individuals in acquiring, retaining and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings. Habilitation services do not include the following: promote daily living skills and enhance the recipient's potential to function in a more independent setting.

A) Special education and related services (as defined in Sections 602(16) and (17) of the Individuals with Disabilities Education Act (30 U.S.C.A. 1400 (1992)) which otherwise are available to the individual through a local education agency; and

B) Vocational rehabilitation services which otherwise are available to the individual through a program funded under Section 110 of the Rehabilitation Act of 1973 (29 U.S.C.A. 794 (1992)).

2) Habilitation these services may vary in intensity and duration in accordance with the recipient's individual service/support habilitation plan. Habilitation may be provided in a variety of settings and includes:

- A) Support and training provided in a developmental training (DT) program work activity center as defined in the Department's rules at 59 Ill. Adm. Code 119.103-65;
- B) Temporary behavior training and intensive therapy designed to reduce maladaptive behaviors and assist in the transition from more restrictive to less restrictive options in the community; social behavior training--or--intensive--therapy provided to address inappropriate behaviors--of--transition from a more structured to a less structured setting;
- C) Supports and services provided in the individual's home or living facility (CLF), community residential alternative (CRA), home individual program (HIP), or special home placement (SHP) Supportive--services--provided in--the

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~~recipient's home or in a community residential setting identified in 59 Ill. Adm. Code 120-30(e);~~
D) Supports and services provided through the community integrated living (CILIA) program as described in the Department's rules at 59 Ill. Adm. Code 115; and ~~specialized professional services when prescribed in an individual habilitation plan are activity and recreation therapy medication management and specialized assessments.~~
E) Supported employment (SEP), limited to individuals who previously resided in a Medicaid-certified State-operated developmental center, community ICF/MR or nursing facility. Standards for supported employment program regulations at 34 CFR 363.3, 363.4, 363.6 and 363.11(e)(2-3)(1993).

- d) Adaptive equipment and minor modifications ~~Minor adaptation to the home~~
~~Minor adaptation to the home includes physical changes such as ramps door widening or grab bars in bathrooms to address accessibility needs for handicapped individuals.~~

1) Adaptive equipment and minor modifications to the home shall be covered only when they are necessary to prevent institutional placement, to deinstitutionalize an individual, or to allow the individual to participate in specialized services for individuals with developmental disabilities.

- 2) Adaptive equipment and minor modifications to the home shall be for the direct benefit of the individual and shall not be otherwise available under the State Medicaid Plan (Public Aid Code [305 ILCS 5]).

- 3) Personal adaptive equipment includes mobility devices, seating and positioning supports, transfer assists or lifts, communication devices, and sensory aids. Personal adaptive equipment shall be prescribed by a physician, or by a qualified health professional who meets State standards as an occupational therapist pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75], physical therapist pursuant to the Illinois Physical Therapy Act [225 ILCS 90], or speech and language therapist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], as appropriate to the disability.

- 4) Professional evaluations for personal adaptive equipment needs are covered but only when not covered as a part of the PASARR process or under the State Medicaid Plan.

- 5) Other adaptive equipment includes specialized beds, carrying equipment, adaptive equipment for timing, measuring and self-administering medications, feeding machines, adaptive utensils and equipment for eating, bathing, grooming, self-care, cooking and household chores, adaptive labels, controls and instructions, environmental controls, closed caption decoders,

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adapted or programmable telephones, prerecorded message players, pagers, intercoms, emergency signalers and adapted alarm clocks. Minor modifications to the home includes grab bars or handrails, ramps, widening of doorways and halls, lowered or adaptive door handles, accessible kitchen and bathroom appliances, pullout shelving and adapted fire alarms, smoke detectors and doorbells.
7) Other adaptive equipment, minor modifications to the home and professional evaluations for personal adaptive equipment needs shall be authorized as part of the individual service/support plan and be approved by the planning team.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.50 Target population

The target population to be served under this Part is Medicaid-eligible Illinois adults with developmental disabilities ~~shall be Medicaid-eligible~~ ~~developmentally disabled fitness-adult-recipients~~ who otherwise would require services in a State-operated developmental center or a community ICF/MR ~~are currently receiving care in a licensed long-term Medicaid-funded setting.~~ This population shall meet Illinois Medicaid eligibility ~~MANS~~ standards, as well as meet non-financial eligibility criteria under this Part. The population includes ~~populations include:~~

- a) Residents of State-operated ~~state-operated~~ facilities who are deemed capable of functioning more independently in the community and who can benefit from a more home-like setting;
- b) Residents of a nursing facility or community ICF/MR long-term-care facilities ~~(SNP, ICF, ICF/IDB)~~ who are deemed appropriate for placement in a smaller or less structured setting; and
- c) Individuals living in other ~~smaller~~ community residences or in their own homes, who are at risk in ~~danger~~ of entering a State-operated developmental center or a community ICF/MR. Examples include individuals: ~~long-term-care facility; aged or service-vender waiting lists identified as at risk of admission; residing with aging parents who request placement for their adult-age children; or recipients in child-care institutions reaching adulthood;~~
 - 1) On a waiting list for ICF/MR services;
 - 2) Residing with aging parents who request services for their adult children;
 - 3) Being subject to abuse or neglect; or
 - 4) Residing as adults in child care settings.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUPPART B: SYSTEM COMPONENTS

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Section 120.60 Overview (Repealed)

The Department shall assume responsibility for both service delivery and management aspects of the program. The Department of Public Aid will continue to determine Medicaid eligibility and post-eligibility treatment of resources for recipients of Medicaid home and community based programs who meet MANG standards under the State Medicaid plan and to maintain responsibility for submitting claims for reimbursement to the federal government and preparing revisions to the State Medicaid plan. The Department of Public Aid also shall maintain authority to review individual habilitation plans as well as perform related monitoring functions. An interagency agreement has been executed between the Department of Public Aid and the single state Medicaid agency and the Department. The Department will be responsible for determining all other recipient eligibility for home and community based services under this part. The agreement facilitates the establishment as well as the understanding and observance of responsibilities of various personnel associated with the organizations. The Department shall act as both the payment and oversight agent and will monitor the service vendor's ability to perform needed tasks and effectively provide services to the target population.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 120.70 Service provider requirements vendor contracts

a) Services shall be provided by governmental agencies, not-for-profit agencies, or privately owned agencies which are operated for profit. All providers shall operate under contractual obligation with the Department and shall be enrolled as Medicaid providers with the Department of Public Aid. Providers shall include both current service providers as well as new agencies. Providers shall meet Department standards applicable to the specific services to be provided and shall demonstrate competency to provide services.

b) Contract obligations

Service providers vendors participating under this Part shall execute a purchase of service enter into a contract or grant agreement with the Department in accordance with Section 15 of the Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15] and the Department of Public Aid [405 ILCS par. 100-15] and Section 4 of the Community Services Act [405 ILCS 30/4] and the Department of Public Aid [405 ILCS par. 100-15]. The vendor contract shall be the obligating instrument which shall provide the basis for financial participation for Medicaid home and community based services.

c) Provider agreement and enrollment

1) Service providers participating under this Part shall execute a three-party Medicaid provider agreement with the Department of

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Public Aid and the Department and be enrolled as Medicaid providers in the Department of Public Aid Medicaid Management Information System (MMIS).

2) The provider agreement shall note that the provider voluntarily requests assignment of payment for waiver services to the Department which shall arrange for payment to the provider.

3) The service provider purchase of service contract or grant agreement and the Medicaid provider agreement shall be the obligating instruments which provide the basis for financial participation for Medicaid home and community-based waiver services.

d) Provider vendor requirements

Service providers vendors shall contractually agree to meet the fiscal, program and reporting requirements of the Medicaid home and community-based services waiver program and shall be willing to serve former or potential residents of State-operated developmental centers or community ICF/MRS recipients of long-term care facilities. Service providers vendors shall also be in compliance with applicable Medicaid provider requirements, appropriate licensure procedures and/or standards as well as Department operational procedures for purchase of service care or grant programs (see the Department's Rules at 59 Ill. Adm. Code 103, 113, 115 and 119.025). They shall also comply with intake, assessment, monitoring and billing procedures established for services under this Part.

e) Provider vendor payments

Service providers delivering vendors providing authorized services to individuals recipients determined eligible under the Medicaid home and community-based services waiver program shall be paid by the Department on a monthly basis on upon submission of service reports/billing monthly billing statements. Service vendors will forward claims for payment to the Department for payment authorization.

f) Monitoring of providers

Service providers shall cooperate with quality assurance monitoring, evaluations and information requests conducted by the Department of Public Aid, the Department, or by other entities that are authorized by the Department of Public Aid or the Department such as individual service coordinators, PASARR agents, auditors or evaluators.

g) Appeals by providers

1) As the single State Medicaid agency, the Department of Public Aid is responsible for conducting all provider hearings and rendering the final administrative decision. The appeal requirements and process are contained in the Department of Public Aid's rules at 89 Ill. Adm. Code 104.200 through 104.210.

2) The Department shall conduct informal reviews of provider appeals to attempt to resolve issues without a formal hearing.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.80 Program assurances

In addition to program requirements specified in other Sections sections of this Part, assurances for the Medicaid home and community-based services waiver program will include:

- a) Level of care determination.
An A-level-of-care evaluation and periodic (at least annually) reevaluations of the individual's need for the level of care provided in an ICF/MR, as defined by 42 CFR 440.150 (1993), shall with be conducted for an individual when there are indications that the individual all-recipients-who might need such services in the near future SNP, ICF, or ICF/MR care and for whom there is a reasonable indication of need for long-term care services. Only individuals who, without the availability of Medicaid home and community-based waiver services, would require placement in a State-operated developmental center or a community ICF/MR shall institutionalization will be served under this Part (see Section 120.140 59-fiii-Adm---Code 120-140(f)(6)).
- b) Informing individuals recipients of choice
All individuals requesting waiver services shall applicants will be given a choice of alternative services through the PASARR case coordination process--for-waivered-services. The choice shall with include both ICF/MR institutional and community-based services providing--that--Medicaid-home--and-community-based-programs-are-less costly--than--state-institutional-care.
The average per capita expenditures including long-term-care--services--must--not--be--increased--by--the inclusion-of home and community-based waiver services care--to--the State-Medicaid-Plan--the-average-per-capita-cost-of-Medicaid-home-and community-based-services--in-addition-to-Medicaid-long-term-care services must--therefore be less than or equal to the average per capita cost of the level of care provided in an ICF/MR under the State Medicaid Plan, estimated-cost-of-long-term-Medicaid-services which the State reasonably expects would have been made to incur in the absence of this program. The State must therefore limit individuals recipients and expenditures under this program to meet the per capita cost requirements.
- d) Rate methodology
Rates for reimbursement of home and community-based waiver services shall be established by the Department and approved by the Department of Public Aid in conjunction with the Office of Health-Finance-of--the Department--of-Public-Health-for-approval-by-the-State's-purchase-Pare Review-Board. Rate levels shall be determined for each type of

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Medicaid home and community-based service by unit of service provided, e.g., per hour, per day--per-contact--and-included-in-the-service vendor--contracts--negotiated--by--the--Department. Providers shall receive written notification of rates and rate changes at least annually.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.90 Department audit

- a) The Department shall require each service provider vendor to have an annual audit at the close of its fiscal year. This audit shall be performed by an independent certified public accountant registered by the State of Illinois in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants (AICPA) industry audit guide (e.g., Audits of Voluntary Health and Welfare Organizations (1974)). The report shall contain the basic financial statements presenting the financial position of the service provider vendor, the results of its operations, and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. Auditors may qualify, deny or give adverse opinions based on upon these standards.
- b) Service providers vendors shall complete the Interagency Statistical and Financial Report or other cost report designated by the Department and as-promulgated--by--the--Office-of-Health-Finance-Department-of-Public-Health-and available through the Department's Central Office regional-offices. Each service provider vendor shall be required to file this report by the date set by the Department, not less than within 120 days after of the end of the service provider's vendor's fiscal year. The report shall be prepared and submitted to the Department along with the service provider's vendors independently certified audit. The revenues and expenses entered on the report shall reconcile with the revenues and expenses as certified in the audit.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: INDIVIDUAL RECIPIENT RIGHTS AND RESPONSIBILITIES

Section 120.100 Overview

- a) Observation and protection of rights of individuals recipients
The observation and protection of rights of individuals receiving recipients-of mental health and developmental disabilities services in

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the public and ~~as well as~~ the private sector as set forth in Chapter 2 Sections 2-100 through 2-111 of the ~~Mental-Health-and-Developmental Disabilities Code (4115--Rev--Stat--1981--ch--91-1/27, pars--2-100 through 2-111)~~ are applicable to all Sections sections of this Part. The Department and service providers ~~vendors~~ shall ensure ~~ensure~~ that individuals and ~~recipients--and/or--parents--or~~ guardians receive a complete explanation of their rights and responsibilities at the time of service initiation and on request ~~application~~.

- b) Non-discrimination
- In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. 2000d (1992) ~~et--seq--7--1981~~), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 794 (1992)), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 through 12113 (1992) and 47 U.S.C. 225 and 611 (1992)) ~~1982~~ and the regulations at 45 CFR 80 (1993) ~~7--1982~~ and 45 CFR 84 (1993) ~~7--1983~~, the Department assures that no individual ~~recipient~~ shall be subjected to discrimination under this Part ~~Plan~~ on the grounds of race, color, national origin, sex, or disability ~~handicap~~.

- c) Confidentiality of case information
- For the protection of individuals ~~recipients~~, any information about an individual ~~a-recipient~~ or case is confidential and may be used only for purposes directly related to the administration of the Medicaid home and community-based services waiver program. The Department and service providers ~~vendors~~ shall inform all agencies and governmental departments to whom information is furnished that this material is confidential, subject to the provisions of the ~~Mental-Health-and-Developmental-Disabilities Confidentiality Act (4115--Rev--Stat--1981--ch--91-1/27--pars--801--et--seq--)~~ and shall be so considered by the agency or governmental department. An authorization for release of information shall ~~will~~ be used to secure the individual's ~~recipient's~~ parent's, or guardian's consent to share information.

- d) Referral
- ~~the--recipient--has--the-right-to-receive-information-about-Department programs-and--services--at--the--time--of--service--application--the recipient--also--has--the--right--to-be-referred-to-other-agencies-for appropriate-programs-and-services~~

d) Notice of action

Individuals requesting or receiving ~~Applicants-for~~ Medicaid home and community-based waiver services have the right to a written notice of disposition of the request ~~application~~, or reduction, suspension, denial or termination of services. ~~Such notice must be mailed at least 10 calendar days prior to the effective date of the action.~~ Notices shall ~~must~~ contain the following information:

- 1) A clear statement of the action to be taken;
- 2) A clear statement of the reason for the action;
- 3) A specific policy reference which supports such action; and
- 4) A complete statement of the individual's ~~recipient's~~ right to

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appeal.⁷

5) ~~A statement indicating that service will be continued at the previous level if a written request for an appeal is submitted to the Department within 10 days of the date on the notice.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.110 Appeals and fair hearings

For appeals initiated by an individual concerning services, the following procedures apply:

- a) The individual, parents, or guardian or the individual's representative may appeal the following actions:

- 1) Refusal to accept a request for services ~~an application or reapplication;~~
 - 2) Failure to act on a request for services ~~an application~~ within the mandated time period;
 - 3) Denial of service; or
 - 4) Suspension, termination, or reduction of services.
- b) The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).
- c) DPA's hearing rules for assistance appeals, as set forth at 89 Ill. Adm. Code 104, shall apply, except that subsection (f) of this Section shall apply rather than any similar DPA rule.
- d) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765 within 10 working days after the date the individual or guardian receives the notice of action ~~of the decision~~.
- e) The Department shall send a copy of the appeal to the DPA Assistance Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1306 within five calendar days after receiving the appeal.

- f) Within 10 working days after the notice of appeal is received, the Department shall conduct an informal review of the appealed action and reverse, modify or leave unchanged the ~~its~~ decision. The appellant and the DPA's Assistance Hearings Section shall be notified of the Department's action within five working days after the informal review.

g) The receipt of the request for an appeal shall stay the ~~Department's~~ decision pending the final administrative decision or the withdrawal ~~termination~~ of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved except as described below.

- 1) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

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- A) The physical safety of the individual or others is imminently imperiled;
 B) Appropriate services are not available at the provider agency;
 C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors, and to seek staff training or technical assistance to meet the individual's needs; and
 D) The PASARR agent has:

- i) Reviewed the individual's record;
 ii) Gathered the necessary clinical information;
 iii) Reviewed the actions of the provider;
 iv) Met with the individual; and
 v) Determined that a delay in termination, suspension or reduction in services would imminently imperil the physical safety of the individual or others and has documented that fact in the individual's record.

- 2) If all the requirements of subsection (g)(1) of this Section have been met, services to the individual may be terminated, suspended or reduced and the notice of action shall be given in accordance with Section 120.100(d) as soon as possible but in no case later than 48 hours after the termination, suspension or reduction in services.

- 3) The provider shall hold the individual's place open until the appeal is resolved.

- h) The hearing shall be held at the DPA office nearest the appellant's home, unless the appellant, the Department's Hearing and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.

- i) Following the hearing, the Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be mailed to the appellant, the appellant's representative (if any), and to the Supervisor of the Department's Hearing and Appeals Unit.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.120 Individual Recipient responsibilities

- a) Information to establish eligibility
 The individual shall ~~applicant/recipient~~ must provide, as able, the factual information necessary to establish eligibility including the consent to release information as provided for in Section 120.100(c) 59-~~111-Adm-Code-120-100(c)~~. The PASARR agent or service provider~~region~~, with the consent of the individual ~~recipient~~, may assist in obtaining such information.
 b) Reporting changes of circumstances

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- 1) It is the responsibility of the individual, ~~recipient-parent-or~~ guardian or the individual's spouse to report all changes in circumstances (including change in address, housing arrangements, income or assets, level of service needed, eligibility for other benefits or programs) to the Department of Public Aid and to the provider within five working days after the change. ~~7-medicaid-condition-home-situation-and-services-currently-provided-by other-entities-which-might-affect-eligibility-for-or-extent-of assistance-or-services-provided-through-the-Medicaid-home-and community-based-program-----Such-information-must-be-reported-to the-region-within-five-working-days-of-the-change-~~
 It is the responsibility of the individual, guardian or the individual's spouse to report changes in services currently provided by other entities which might affect the extent of supports or services provided through the Medicaid home and community-based services waiver program. Such information shall be reported to the provider.

- 2) Application for other benefits
 Individuals ~~Recipients~~ are required to apply for all other financial benefits, such as Supplemental Security Income, public assistance [305 ILCS 5] ~~111-Rev-Stat-1981-ch-23-par-1-1-et-seq-7, veterans benefits (38 U.S.C.A. 521, 541, and 542 (1992)) 7-1997, unemployment compensation (the Unemployment Insurance Act [820 ILCS 405]) 4-1-1997, in-relation-to-a-system-of-unemployment-insurance-7-111-Rev-Stat-1981-ch-48-par-300-et-seq-7, Social Security Retirement and disability benefits (SSB) (Title II of the Social Security Act, 42 U.S.C.A. 401 (1992)) 7-1997 and Worker's Compensation (Workers' Compensation Act [820 ILCS 305]) and food stamps, 111-Rev-Stat-1981-ch-48-par-130-1-et-seq-7 for which they may qualify and to avail themselves of such benefits at the earliest possible date.~~

- d) Social security number
 Individuals requesting or receiving ~~Applicants-for~~ Medicaid home and community-based waiver services shall ~~will~~ be asked to supply a social security number. The provision of a social security number shall ~~to~~ ~~voluntary-and-such-information-will-only be used only for program administration purposes and only with the consent of the individual or guardian. The service coordinator or provider will provide assistance to the individual Assistance-will-be-provided-by-the-case-coordinator in making application for a social security number if the individual so wishes recipient-so-desires.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: OPERATIONAL PROCEDURES

Section 120.130 Filing an application (Repealed)

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- a) A recipient--parent--or--guardian--or--someone--acting--for--the--recipient shall--make--an--application--on--a--form--prescribed--by--the--Department--which shall--include--a--written--request--for--services--for--Medicaid--home--and community--based--services--to--the--region--or--case--coordinator--serving--the area--in--which--the--recipient--lives--or--originally--resided.
- b) The--date--of--application--is--the--date--that--the--region--or--case coordinator--serving--the--area--in--which--the--recipient--lives--or originally--resided--receives--a--signed--and--completed--application--the region--may--authorize--payments--for--services--provided--to--begin--from--the date--of--the--application.
- c) The--Department--in--conjunction--with--the--case--coordinator--must--make--a decision--on--the--application--within--15--days--of--the--receipt--of--financial determination--by--the--Department--of--Public--Aid--(see--59--Ill. Adm. Code 120.7-159(a)).
- d) Eligibility--determination--is--the--joint--responsibility--of--the Department--and--case--coordinators--and--shall--include--a--review--of--both financial--and--non-financial--criteria--as--stipulated--in--this--Part.

(Source: Repealed at 19 Ill. Reg. _____, effective _____.)

Section 120.140 Eligibility criteria

- a) The individual shall be age 18 or older at the time services are initiated. Non-financial eligibility criteria
- Certain non-financial criteria are conditions of eligibility for the Medicaid home and community based program:
- 1) To be eligible, a recipient must be:
- A) A citizen of the United States by birth or naturalization;
- B) An alien who has been lawfully admitted for permanent residence or is otherwise permanently residing in the United States under color of law;
- C) A refugee, entrant or Cuban/Haitian applicant for asylum;
- 2) Residence in Illinois is a requirement for recipient eligibility and requires physical presence within the State at the time services are provided. Services may not be provided outside the geographical boundaries of Illinois. The determination of state residency is based on one of the following factors:
- A) If a state supplement is currently living in Illinois but receives not a resident of Illinois;
- B) A non-institutionalized recipient is a resident of Illinois if living in Illinois with the intent to remain for an indefinite period of time;
- C) A non-institutionalized recipient is a resident of Illinois if intent is a resident of Illinois if currently living in Illinois.

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- 3) Recipients of the Medicaid home and community based program must be age 21 or over at the time of application.
- 4) Recipients of Medicaid home and community based services must be determined developmentally disabled as defined by this Part. The determination must be made by a qualified mental retardation professional (see 59 Ill. Adm. Code 120.140).
- 5) Recipients shall not only be developmentally disabled but they shall also have other limitations which place them in need of long term care and at risk of institutionalization if services are not received. A resident of a long term care facility at the time of application by definition meets the criteria for need for long term care.
- 6) The case coordinator will conduct a long term care evaluation using information obtained from the Illinois client information system as well as other factors relating to the family situation. Criteria to be evaluated include:
- A) Recipient characteristics--gross--and--fine--motor development--eating--dressing--grooming--toileting--language/communications--social--interaction--writing numbers--time--money--domestic--behavior--community orientation--recreation--vocational activities--behavioral problems--and--medical--disabilities.
- B) Family and community characteristics--involvement of family and friends in the recipient's care and the stability of the family living arrangement.
- C) Service characteristics--unmet service needs of the recipient in the areas of health, support, residential and vocational.
- 7) If all other factors of eligibility are met, a preliminary individual habitation plan is prepared to estimate the cost of services. The cost of services must not exceed the projected cost of institutional care in a state-operated facility.
- 8) Recipient's parents or guardians shall be given the choice of receiving long term care or Medicaid home and community based services.
- b) The individual shall be a resident of Illinois. Financial eligibility criteria
- All applicants for services under this part will apply for the full range of Medicaid services under the provisions of the State Medicaid Plan. The Department of Public Aid will continue to conduct Medicaid eligibility determinations under existing MAGS standards for income and assets as specified in Department of Public Aid rules 120.140-120.141. Adm. Code 120.140 through 120.141. Individuals meeting MAGS eligibility standards will meet the financial criteria for services under this Part as well as eligibility for the full range of services under the State Medicaid Plan.

c) Through the PASARR process, the individual shall be assessed to need

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services in a State-operated developmental center or community ICF/MR absent the availability of Medicaid home and community-based waiver service. The criteria for this determination are contained in DPA's rule at 89 Ill. Adm. Code 140.642. Individuals demonstrating the ability to function independently without availability of waiver services shall not be eligible for waiver-funded services.

d) The individual shall meet all financial and non-financial Medicaid eligibility criteria as specified in the approved State Medicaid Plan.

e) The individual shall not need a nursing facility level of care.

f) The individual shall not be receiving services in a nursing facility, skilled nursing facility (SNF), intermediate care facility (ICF), intermediate care facility for developmental disabilities (ICF/DD), including ICF/DD for 16 beds or fewer, State-operated facility, skilled nursing facility for pediatrics (SNF/PED), or hospital at the time waiver services are delivered.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.150 Eligibility determination

- a) The Department of Public Aid shall determine the individual's eligibility for medical assistance.
- b) The Department shall assign a PASARR agent case-coordinator to all individuals requesting services recipients. The PASARR agent shall case-coordinator-will be responsible for compiling information as needed for the determination of eligibility. The review of eligibility shall most include the financial-and-non-financial criteria included in Section 120.140, this Part-and-must-afford-the applicant-a-choice-of-alternative-services--the-case-coordinator-will prepare-a-recommendation-for-the-Department-region-office--the-region will-then-authorize-eligibility-for-Medicaid-home-and-community-based services---Eligibility determination-must-be-completed-within-15-days of-receipt-of-the-financial-information-by-the-Department-of-Public Aid--the-Department-of-Public-Aid-has-a-maximum-of-60-days-in-which to-make-this-determination
- c) Individuals or guardians shall be given the choice of receiving State-operated developmental center, community ICF/MR or Medicaid home and community-based waiver services.
- d) b) Eligibility for services under this Part may be denied for the following reasons:
- 1) An individual either fails to meet the financial eligibility criteria or-non-financial-criteria specified in Section 120.140 under-this-Part.
- 2) The applicant does not supply needed information to complete the eligibility determination, the services necessary to an adequate plan-are-not-available or cannot be provided as a result of lack

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- of-funds-for-Medicaid-home-and-community-based-services-
- 3) The individual service/support habilitation plan cannot be designed to adequately meet the individual's recipient's needs within the service cost limitations.
- 4) Expenditure of funds for Medicaid home and community-based waiver services will increase the average per capita costs of services as specified in Section 120.80(c). the-applicant-is-determined inappropriate-for-residence-in-a-home-or-community-based-setting- the-applicant-does-not-supply-needed-information-to-complete-the-eligibility-forms-
- 5) When-expenditure-of-funds-for-Medicaid-home-and-community-based services-will-increase-the-average-per-capita-costs-of-services-as-specified-in-59-III-Adm-Code-120-80(c)-
- 6) A qualified mental retardation professional the-region-and-case-coordinator shall conduct a redetermination of Medicaid home and community-based services waiver eligibility within 12 months after the last no-less-frequently-than-at-the-end-of-each-12-month eligibility determination or redetermination, period-unless A redetermination shall also be conducted if there is a change in circumstances affecting affecting eligibility which-necessitates-a-complete-review (see Section 59-III-Adm-Code 120.120(b)) before 12 months have elapsed. A redetermination shall with include an examination of financial-and-non-financial criteria identified in Section 120.140 59 III-Adm-Code-120-150(a). A redetermination of the presence of developmental disability is not required.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.160 Individual service/support habitation plan

a) Subsequent to eligibility determination, a preliminary individual service plan shall be prepared by the PASARR agent that includes individual strengths, needs and recommended services supports. With 30 days after receiving information, an individual service support habilitation plan shall with be prepared describing service and support needs of the individual recipient, and specifying how these needs shall be met. The preparation of the plan shall with be part of a planning an-interdisciplinary team process which includes the individual, the guardian if one has been appointed and is willing or able to participate, other persons chosen by the individual and a qualified mental retardation professional. The planning team process shall at least include project manager, staff, service coordinator, staff of the facility of discharge if applicable, and other professionals as needed. Case coordinators the region, facility or discharger and other professionals as needed. Depending on the individual's upon recipient needs, planning team interdisciplinary participation may

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with include health professionals (physicians, nurses, dentists), psychologists, social workers, dietitians and physical, speech and occupational therapists. The recipient's family and/or significant others and service vendors are included in the process whenever feasible.

- b) The individual service/support habilitation plan shall include the following written elements and be incorporated into the individual's case record:

- 1) Individual assessment information, including individual strengths, relevant barriers and impediments to full community participation and natural supports available Recipient identification information assessment summary;
- 2) Annual Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DEM Park, Allen, Texas 75002 (1985)) of Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DEM Park, Allen, Texas 75002 (1985)) or other Department-designated assessment instrument tests-profile;
- 3) Individual's and guardian's personal goals, desired future outcomes, preferences and choices;

- 4) Service and support needs;

- 5) Functional goals and measurable objectives with for-the recipient within-measurable timeframes for completion, if the individual is receiving habilitation services;

- 6) Identification of all services and supports Services to be provided, regardless of provider or funding source, including type, training methods if applicable, frequency, duration and staff assigned availability;

- 7) Dated authorization for service delivery;

- 8) Documentation of any medical prescriptions, self-medication training, medication administration and oversight, and efforts to reduce reliance on psychotropic medications identification-of recipient's case-coordinator-and-region-staff-contact;

- 9) Identification of all staff and other persons contributing to the plan, including relationship to the individual, title and agency if applicable; Documentation-----of certification/recertification;

- 10) Signature of the individual or guardian and by the qualified mental retardation professional; and

- 11) Termination summary, when appropriate.

- c) The written individual service/support plan shall also identify the team consensus concerning the balance between the individual's rights and abilities to make informed decisions and have privacy and access to the community, and the responsibility of those persons providing services and supports to ensure the individual's health, safety and well-being. The individual habilitation plan shall be reviewed at least every six months by the case coordinator, the recipient, parent

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or guardian and/or responsible person and amended in writing as necessary. Reviews will take place more frequently if the recipient's circumstances require a change in the habilitation plan. The written review should note any changes in the recipient's needs or progress made in reaching established goals.

- 1) The written plan shall identify those community and home situations when the individual may be away from the direct supervision of provider staff during those hours when staff are responsible for the individual.

- 2) When an individual's choices may result in potential harm to the individual, the individual's record shall document ongoing efforts by the service provider to inform the individual and guardian of the potential harm, to suggest alternatives and to minimize the potential harm.

- 3) When an individual's choices are not honored, the reasons shall be documented in the plan or the individual's record. Efforts to support the individual's choices shall also be documented.

- d) The written individual service/support plan or individual record shall identify activities to ensure continuity of care during planned therapeutic absences, such as home visits or vacations, if residential services are part of the plan.

- 1) If absences are regular or known well in advance, the plan should include a goal of maintaining/increasing social contacts with family or friends. The plan should describe staff responsibilities for sharing information before and after the absences and for being available for consultation/assistance during the absences.

- 2) The individual record shall document the following staff activities if they occur:

- A) Staff contacts (e.g., telephone, notes, in person) with family, friends or other persons providing care during the absence to explain behavioral programming, medications, expectations about chores/behavior, training and other service/support plan implementation issues that should be continued during the absence;

- B) Notification concerning which staff to contact if assistance or advice is needed or if the individual needs to return early;

- C) Staff contacts during the absence; and
- D) Information received after the absence that may affect service/support plan implementation.

- e) The individual service/support plan shall be reviewed at least annually by a planning team process as described in Section 120.130(a). The plan shall be amended in writing as necessary. The qualified mental retardation professional who is working with the individual shall review the plan and the individual's progress, health, safety, and well-being at least once every three months.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.67

New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: In accordance with provisions of Public Act 89-6, the fast track welfare reform legislation, these proposed amendments require minors under 18 who are pregnant, and minor parents under 18, unless they are married, to live with their parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement to be eligible for AFDC. Exceptions are granted in specific circumstances.

These proposed amendments provide that a minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care must reside in the household of their parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive an AFDC cash payment unless:

1. The minor parent has no living parent or legal guardian whose whereabouts are known;
2. No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
3. The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for AFDC;
4. The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
5. There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
 - A. The parent or guardian lives out-of-state;
 - B. The parent or guardian is in an institution;

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- C. The parent or guardian is a substance abuser;
- D. The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
- E. The minor parent is placed by DCFS in independent living; and
- F. The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.

In accordance with provisions of this proposed rulemaking, the minor will have the right to choose among these approvable living arrangements. The Department will not require the minor to explain why he or she chose one arrangement over another.

When a minor parent and his or her dependent child live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant will be paid to the adult who is responsible for supervising the minor. Otherwise, the minor will receive the AFDC grant.

There are approximately 2,500 minor grantee cases. The living arrangement of the majority of these cases is not known, but it is likely that the Department would realize a very small grant savings from cases that will not comply or from cases that will be combined with their parents into a single unit.

The minimal administrative impact of this proposed rulemaking has been absorbed into the Agency's FY'96 budget request.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.148	Amendment	January 27, 1995 (19 Ill. Reg. 804)
112.300	Amendment	January 27, 1995 (19 Ill. Reg. 804)
112.306	Amendment	January 27, 1995 (19 Ill. Reg. 804)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do

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not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

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112.86 Project Advance Experimental and Control Groups
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112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
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112.95 Project Advance Supportive Services

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112.101 Unearned Income of Stepparent or Parent
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112.141 Earned Income Exemption
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 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
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 112.320 Redetermination of Eligibility
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 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
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Section
 112.400 Transitional Child Care Eligibility
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 112.408 Qualified Child Care Providers
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 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 259, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective

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June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 1690, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended

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at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13

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Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.67 Restriction in Payment to Households Headed by a Minor Parent

- a) A minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care must reside in the household of his or her parent, legal guardian, or other adult

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relative, or in an adult-supervised supportive living arrangement, in order to receive an AFDC cash payment unless:

- 1) The minor parent has no living parent or legal guardian whose whereabouts are known;
- 2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
- 3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for AFDC;
- 4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
- 5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
 - A) The parent or guardian lives out-of-state;
 - B) The parent or guardian is in an institution;
 - C) The parent or guardian is a substance abuser;
 - D) The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
 - E) The minor parent is placed by DCFS in independent living; and
 - F) The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.

b) The minor shall have the right to choose among these approvable living arrangements. The Department shall not require the minor to explain why he or she chose one arrangement over another.

c) When a minor parent and his or her dependent child are required to live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant is paid to the adult who is responsible for supervising the minor. Otherwise, the minor receives the AFDC grant.

(Source: Added at 19 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
- 140.27 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: These proposed amendments allow for the assignment of vendor payments to the Illinois Development Finance Authority. The current provisions in Section 140.27 permit a medical vendor to assign a security interest in any financial aid, vendor payment or money payments of grants that he or she has a right to receive, to the Illinois Health Facilities Authority relative to any financing program undertaken by that Authority. Under these provisions, a medical vendor can authorize the Department to issue payments for Medicaid services directly to the Illinois Health Facilities Authority. The proposed amendments recognize the Illinois Development Finance Authority as an entity to whom vendor payments can be assigned in the same manner.

These proposed amendments will not result in any changes in Department expenditures. Coverage and reimbursement for medical services will remain unchanged.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.12	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.80	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.80	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.82	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.82	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.84	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.84	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.400	Amendment	February 10, 1995 (19 Ill. Reg. 1200)
140.435	Amendment	February 10, 1995 (19 Ill. Reg. 1200)

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- 140.523 Amendment January 13, 1995 (19 Ill. Reg. 165)
- 140.642 Amendment April 14, 1995 (19 Ill. Reg. 5397)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Medical vendors and health care facilities, including long term care facilities and hospitals

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
- 140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under GA
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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- 140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation on Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.120 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)

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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
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140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
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140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services

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140.426	Limitations on Podiatry Services
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140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
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140.431	Services Not Covered by Independent Laboratory
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140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
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140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
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140.454	Types of Mental Health Clinic Services
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140.457	Therapy Services
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140.462	Covered Services in Clinics
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140.464	Healthy Moms/Healthy Kids Managed Care Clinics
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140.477 Limitations on Equipment, Supplies and Prosthetic Devices
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 140.486 Limitations on Medichex Services (Repealed)
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 140.490 Medical Transportation
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 140.524 Cessation of Payment Due to Loss of License
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140.527 Quality Incentive Survey (Repealed)
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 140.530 Basis of Payment for Long Term Care Services
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140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
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Section	
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles II, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

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1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246,

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effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.211 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1998, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.938 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a

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maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2931, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1993; emergency amendment at 17 Ill. Reg. 11201,

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effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.27 Assignment of Vendor Payments

- a) Except as provided in this Section, vendor payments and the right to receive such payments are absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.
- b) A medical vendor may use his right to receive vendor payments as collateral for loans from banks, credit unions, and savings and loan associations chartered under or trust companies issued certificates of authority under Chapter 205 of the Illinois Compiled Statutes, provided that such arrangements:
 - 1) shall not require the Department to issue the payment directly to any person of entity other than the vendor; and
 - 2) shall not constitute any activities prohibited by the provisions of 42 U.S.C.A. 1396(a)(32) (1983) and Section 140.26 ("Payment to Factors Prohibited").
- c) A medical vendor or other vendor or service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payment or money payments of grants he/she has a right to receive to the Illinois Health Facilities Authority in connection with any financing program undertaken by that Authority, or to the Illinois Development Finance Authority in connection with any financing program undertaken by that Authority. Each Authority may utilize ~~such Authority~~ or to an agent or trustee accepting, accomplishing, effectuating or realizing upon any such assignment, reassignment, sale, pledge or grant on such Authority's behalf; and

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such arrangements may provide that the Department shall issue the payment directly to the Illinois Health Facilities Authority, Illinois Development Finance Authority or to any such agent or trustee.

- d) A medical vendor that is a governmental entity or is exempt from income reporting under Section 1.6041-3(c) of the federal income tax regulations (26 CFR 1.6041-3(c)) and that provides Healthy Kids program services under Section 140.485(d) may assign its interest in payment from the Department to a local school district with which the provider has an arrangement to provide such services. Under such assignment, with Department approval, payment will be made directly to the school district.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

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1) Heading of the Part: Assessing Laboratory Fees for Toxicologic Analysis2) Code Citation: 77 Ill. Adm. Code 4753) Section Numbers: Proposed Action:

475.10	Amendment
475.20	Amendment
475.25	New Section
475.30	Amendment
475.40	Amendment
475.50	Amendment

4) Statutory Authority: Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.09].

5) A Complete Description of the Subject and Issues Involved: These proposed amendments will allow the Department to offer additional public health laboratory services to local health departments, family planning clinics, physicians, other health care providers, and the public for the cost of providing the services. The proposed amendments will establish fees for several Department laboratory services, including analyses of drinking water for coliforms, nitrates, inorganics (metals), herbicides, pesticides, volatile organic compounds, and hydrocarbon scans; analyses of blood specimens for HIV antibodies, CD4 lymphocytes, and sexually-transmitted diseases; pap smear analysis; prenatal screening for hepatitis, HIV, rubella and syphilis; and Alpha Fetal Protein screening. Some of these laboratory services are currently available on a limited basis, while others are currently unavailable.

To minimize any adverse impact on current Department laboratory users, the amendments specify numerous exemptions from the new fees or circumstances under which the fees will be waived. In one case, new laboratory services required by the U.S. Environmental Protection Agency will be made available free-of-charge to Illinois schools. In another case, an existing fee for forensic toxicologic analysis will be eliminated, because this analysis is no longer the Department's responsibility.

Lastly, information is being added to the rules regarding the submission of samples or specimens to the Department's laboratory, Department fee assessments, and information concerning the payment of fees to the Department.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes7) Does this Rulemaking Contain an Automatic Repeal Date? No8) Does this Rulemaking Contain any Incorporations by Reference? No

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9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: The objective of these proposed amendments is to make additional Department laboratory services available to those persons willing to pay the cost of providing such services. In many cases, the Department can provide cost-effective laboratory services that benefit both the submitter and the Department. The submitter receives laboratory services at cost; and the Department increases its volumes, thereby improving its proficiency, reducing its unit costs, and sometimes reducing its overall laboratory costs for Department-supported programs. Every effort has been made with these proposed amendments, using fee exemptions, to avoid added costs for current Department laboratory users.

These proposed amendments will not require any additional samples or specimens to be submitted to the Department's laboratories. For those persons who would like to submit added samples/specimens to the Department, however, the Department must receive fees to cover its added costs of analyzing the samples/specimens.

The proposed amendments will not require any new expenditures by units of local government, but will relieve some school districts of currently required laboratory testing expenses. The proposed amendments may be supported by some units of local government that offer comparable laboratory services for a fee. Such units of local government have argued in the past that the Department should not offer such services without charging a fee, because it places the Department in direct competition with them.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

These rules may have an impact on small businesses. Any small business may present its comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such in its comments.

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12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses Affected: Some physicians or small health care providers may be affected if they choose to begin sending samples/specimens to the Department's laboratory for laboratory services; however, such use of the Department's laboratory is strictly optional. The proposed amendments have been developed in a manner to minimize any impact on current users of the laboratory's services.
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: These amendments will not add any new reporting, bookkeeping or other procedures for compliance.
- C) Types of Professional Skills Necessary for Compliance: These amendments will not require any added or special professional skills for compliance.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Not Applicable

The full text of the Proposed Amendments appears on the next page:

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 475

ASSESSING LABORATORY SERVICE FEES FOR TOXICOLOGIC ANALYSIS

Section

- 475.10 Definitions
 475.20 Submission of Samples or Specimens
 475.25 Fee Schedule
 475.30 Statement of Fee Assessment
 475.40 Payment of Fees
 475.50 Failure of Payment

AUTHORITY: Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.09].

SOURCE: Adopted and codified at 7 Ill. Reg. 1988, effective January 27, 1983; emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days; emergency expired on March 11, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 475.10 Definitions

As used in this Part, the terms specified below shall have the meanings ascribed to them in this Part.

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Laboratory" means the Division of Laboratories of the Illinois Department of Public Health, including its Chicago, Springfield and Carbondale Laboratories, and any other site designated by contract to perform Department laboratory services.

"Non-Community Public Water Supply" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year. Water vending machines are considered non-community public water supplies.

"Non-Transient Non-Community Public Water Supply" means a non-community public water supply that regularly serves the same 25 or more persons at least 6 months per year.

"Person" means the United States and political subdivisions, officers,

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and employees thereof, the State and political subdivisions, officers, and employees thereof, any municipal corporation, association, partnership, firm, corporation, individual, or other entity.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 475.20 Submission of Samples or Specimens

Each sample or specimen submitted to the Laboratory for any analysis must be delivered or shipped in a container and manner to preserve the sample/specimen from contamination or destruction and allow it to reach the Laboratory in a condition that permits a reliable laboratory analysis.

a) It is the responsibility of the person submitting the sample/specimen to deliver it to the Laboratory or to send it in a package approved by the U.S. Postal Service, or another commercial carrier to be used, for such shipping. Any sample/specimen that is submitted in a package that violates the U.S. Postal Service's guidelines (or another commercial carrier's guidelines if an alternative carrier is used), is damaged in transit, is not received within the prescribed time frame for analysis, or is otherwise received in a condition that does not permit a reliable laboratory analysis, will be discarded. When this occurs, the laboratory result will be reported as indeterminate or unsatisfactory and the submitter will be notified so that another sample/specimen can be collected and submitted for analysis.

b) For those laboratory services offered, the Laboratory shall provide, upon request, sample/specimen collection materials or devices and mailing containers that meet the U.S. Postal Service regulations.

c) Prior to delivering or shipping any sample/specimen to the Laboratory, it is the responsibility of the person submitting the sample/specimen to confirm the availability of the desired laboratory service/analysis; to identify which Laboratory site(s) (e.g., Chicago, Springfield, Carbondale or a contract laboratory site) perform the desired service/analysis; and to determine to which site the sample/specimen should be submitted. Sample/specimens shall be delivered or sent only to a specific Laboratory site designated as performing the requested laboratory service or to an alternative site agreed to in advance.

d) It is the responsibility of the person submitting the sample/specimen to pay for the postage or transport fee of the package unless alternative arrangements are made with the Laboratory in advance of mailing or shipping a sample/specimen to the Laboratory.

Each person who submits to the Department any sample for toxicologic analysis for the detection of and/or quantitation of drugs, poisons, or chemicals shall pay a flat fee of \$125.00 for such analysis unless:

a) Such sample is submitted for analysis by a law enforcement agency pursuant to 117 Rev. Stat. 1981, ch. 95, 1/2, par. 11-5(b)(2).

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b) Such sample is submitted for analysis by a coroner pursuant to 117 Rev. Stat. 1981, ch. 95, 1/2, par. 10-1(e) "in cases of accidental death involving a motor vehicle in which the decedent was in the operator or a suspected operator of a motor vehicle, or (2) a pedestrian is years of age or older";

c) Such sample is submitted for analysis for chemicals found in environmental sources or tested in support of programs designed to evaluate environmental sources; the standards and criteria used for exception of samples will include the purpose of collection and the environmental origin of the samples submitted, such as water, soil, air, food, etc;

d) Such sample is submitted for analysis by any other state agency.

Section 475.25 Fee Schedule

In order to maintain and expand the Laboratory services available to the Department, local health departments, hospitals, clinics and physicians statewide, the Department has established fees for these laboratory services listed in subsection (b) of this Section. These fees are in addition to other Laboratory fees established under separate statutory authority for two specific purposes: screening newborns for metabolic diseases, under the "Newborn Metabolic Screening and Treatment Code" (77 Ill. Adm. Code 661); and screening children for elevated blood lead levels under the "Lead Poisoning Prevention Code" (77 Ill. Adm. Code 845).

a) The Laboratory's service fees, itemized in subsection (b) of this Section, shall not exceed the Department's actual costs to provide the Laboratory's services, and shall consider the current fees charged by private laboratories for comparable services. The Department's actual costs to perform the Laboratory's services include the costs of Laboratory personnel, materials and equipment; the Laboratory's data processing, quality control and support costs (e.g., facility-related costs, postage, telephone, supervision, electricity and other equipment costs outside the Laboratory but necessary to support the Laboratory's services (e.g., personnel and financial management costs). The Laboratory's actual costs per unit of service are integrally dependent upon the current technology used to perform laboratory analyses, the test volumes for each laboratory service, and the unit cost of the materials or chemicals/reagents. Because these actual costs per unit of service are subject to change, every effort will be made to review and update the Laboratory's fees on a regular (e.g., annual) basis.

b) Each person who submits to the Laboratory any sample or specimen for any of the following laboratory analyses shall pay the indicated fee:

1) Except as provided in subsections (b)(1)(A) and (B) of this Section (in which case the service is free), the fees for the analysis of drinking water are:

For the detection of coliform and fecal coliform

\$7.00 per sample

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For the detection of nitrate/nitrite levels \$6.00 per sample
 For the combined detection of coliform and nitrites/nitrites \$12.00 per sample

- A) unless the sample is submitted for a non-community public water supply; or
 B) unless the sample is submitted by a local health department that has entered into a potable water program agreement with the Department or submitted by a Department employee on behalf of a resident of a jurisdiction without any local health department, and under at least one of the following circumstances:
 i) for a new water well that has been inspected by the local health department or Department employee;
 ii) for a water well serving an infant under six months of age; or
 iii) in support of an investigation of a suspected waterborne illness.

- 2) Unless the sample is submitted from an active non-transient non-community public water supply serving a public or private Illinois school (in which case the service is free), the fees for the chemical analysis of drinking water for the following contaminants are:

Inorganics (Metals):

Barium	\$6.00 per sample
Cadmium	\$6.00 per sample
Chromium	\$6.00 per sample
Copper	\$5.50 per sample
Lead	\$5.50 per sample
Mercury	\$11.00 per sample
Selenium	\$11.00 per sample

Herbicides

\$48.00 per sample

Pesticides (chlorinated hydrocarbons and organophosphates) \$47.00 per sample

Volatile Organic Compounds

\$116.00 per sample

- 3) Unless the specimen is submitted from a Department-funded HIV counseling and testing site or unless such analysis is requested as part of an HIV seroprevalence study that is funded or approved by the Department (in which case the service is free), the fees for analyses of a blood specimen are:

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For the presence of Human Immunodeficiency Virus (HIV) antibodies, using an enzyme-linked immunosorbent assay (ELISA) test with confirmatory Western blot test (if necessary) \$8.00 per specimen

For the enumeration of CD4 lymphocytes using flow cytometry technology \$91.00 per specimen

- 4) Unless the sample/specimen is submitted from a health care provider (including local health department clinics) designated annually by the Department's Division of Infectious Diseases as serving a population with a high incidence of sexually-transmitted diseases and exempt from the following Laboratory fees (in which case the service is free), the fees for analysis for the presence of the following sexually-transmitted diseases are:

Chlamydia trachomatis and Neisseria gonorrhea, same swab (GenProbe) \$12.50 per specimen

Syphilis serology (RPR and FTA) \$6.50 per specimen

- 5) Except for samples/specimens submitted by the Chicago Department of Public Health (in which case the service is free), the fee for pap smear analysis (cytology) shall be:

- 6) The fees for the following services are:

Hydrocarbon scan of drinking water \$349.00 per sample

Prenatal screening panel, which includes testing for Hepatitis, HIV, Rubella and Syphilis \$31.00 per patient

Alpha-fetoprotein screening \$21.00 per specimen

- c) The Director may reduce any of the fees listed in subsection (b) of this Section, pursuant to a written agreement between the Department and the person to be submitting the sample/specimen. Examples of instances when reduced service fees may be considered include, but are not limited to, when the samples/specimens from, or test volumes for, one submitter will be very large; when a large one-time advance payment for all services is desired; and where the Department is participating in a special study requiring laboratory analysis.

- d) The Director may waive any of the standard Laboratory fees prescribed in subsection (b) of this Section when the sample/specimen is submitted by Department staff (to support Department programs or

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services), another State agency, or any unit of local government, provided the fee waiver is requested in writing and approved by the Director in writing.

- e) The Director may enter into a written agreement with any person to provide additional laboratory services beyond those listed in this Part. Such agreement shall specify any conditions established for the submission of samples/specimens and the fees for such services.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 475.30 Statement of Fee Assessment

- a) Fees for laboratory analyses shall be paid prior to services being provided, unless the submitter is a local health department or prior arrangements are made with the Department to bill the person submitting the sample/specimen.

- b) For local health departments or other persons with approval from the Department to submit samples/specimens without advance or accompanying payment, statements of fee assessment shall be mailed or otherwise delivered to persons submitting samples for analysis monthly or quarterly as determined by the Director, depending on the number of samples or other circumstances unique to the testing.

- c) Receipt of statements of fee assessment shall be presumed.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 475.40 Payment of Fees

- a) Persons submitting samples for analysis ~~(General--Unknowns)~~ shall either pay for the service in advance or submit the necessary fee with the sample/specimen, unless the submitter is a local health department or arrangements have been made with the Department to bill the submitter for the services.

- b) For local health departments and other persons that are approved to submit samples/specimens without advance or accompanying payment, the submitter shall render payment of fees assessed upon receipt of a statement of fee assessment. ~~Receipt of statements of fee assessment shall be presumed.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 475.50 Failure of Payment

- a) Unless prior arrangements have been made with the Department to bill the submitter for laboratory services rendered, the Laboratory may

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refuse to accept or may discard any sample/specimen that is not accompanied by the required service fee.

- b) For local health departments and other persons approved to submit samples/specimens without advance or accompanying payment, failure of full payment within two ~~three~~ months of assessment shall be grounds for the Department to refuse future samples/specimens ~~from persons-in-arrears.~~

- c) The fee for a dishonored negotiable instrument including, but not limited to, returned checks or insufficient payment shall be \$10.00.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) Section Numbers:
775.150
Proposed Action:
Amendment
- 4) Statutory Authority: Implemented and authorized by the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

5) A Complete Description of the Subjects and Issues Involved: To assist states and municipalities in initiating and maintaining effective programs for the prevention of milkborne disease, the Food and Drug Administration (FDA) in conjunction with the National Conference of Interstate Milk Shippers (NCIMS) adopted a model milk regulation, now titled the Grade A Pasteurized Milk Ordinance (PMO). All 50 states, the District of Columbia and U.S. Trust Territories participate in the NCIMS. In their administration of the PMO, states list milk processors in the Interstate Milk Shippers List (IMSL). Those processors listed can engage in interstate shipment of specified dairy products. In 1991, the NCIMS adopted regulations concerning drug residue monitoring and farm surveillance to provide strengthened drug residue monitoring and enforcement across the country. The dairy industry and the NCIMS, as well as the FDA, had been subject to intense scrutiny and public pressure to eliminate the risk of drug residues in the nation's milk supply.

In 1993 the substance of the federal regulations was promulgated by the Department as an amendment to Part 775. Pursuant to these rules, the Illinois Department of Public Health suspends immediately the permit of the responsible producer or producers for a minimum of 48 hours for the first occurrence and 96 hours for the second or third occurrence, with permit revocation procedures initiated following the third occurrence. Under the current rules, during the suspension period the producer's milk may not be sold for purposes of human or animal consumption.

The PMO was subsequently amended to allow an equivalent penalty as determined by the regulatory agency. In 1994 Public Act 88-600 was signed, authorizing the Department of Public Health to establish in its rules an equivalent monetary penalty for Illinois producers. These proposed amendments will implement Public Act 88-600 by providing monetary penalties for drug residue violations that may be used as an alternative to the 48 or 96 hour milk withholding period following permit suspension. If the producer chooses an equivalent monetary penalty, the producer may sell milk that has been tested and no longer contains a violative drug residue. This would eliminate the destruction of potentially "good" milk that would have to be destroyed under a suspension period.

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Public Act 88-600 also provides that any penalties collected as a result of a positive drug residue violation be deposited into the Food and Drug Safety Fund. The proposed rulemaking specifies that these funds will be used for drug residue avoidance programs, that will include producer education and information services, for the purpose of reducing and eliminating positive drug residues in the milk supply.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking neither creates nor expands a State mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6817

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: Dairy farms, dairy processing plants.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Violative drug residues are reported to the Department and records are maintained for 2 years.

C) Types of Professional Skills Necessary for Compliance: None.

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- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Not applicable.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775

GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1	Minimum Regulations(Renumbered)
775.10	Definitions
775.20	Incorporated Materials
775.30	Minimum Requirements
775.40	Local Government Implementation
775.50	Permits
775.60	Suspension of Permits
775.70	Inspections and Investigations
775.80	Approval of Construction Plans
775.90	Administrative Hearings
775.100	Milk Haulers Examination
775.110	Milk Tank Trucks
775.120	Cleaning and Sanitizing Procedures
775.130	Action Levels for Added Water in Milk
775.140	Pesticide, Herbicide and Mycotoxin Residue Control Program
775.150	Drug Residue Control Program

AUTHORITY: Implementing and authorized by the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 775.150 Drug Residue Control Program

- a) Equipment used to administer drugs and medicines shall not be cleaned in the wash vats and shall be stored so as not to contaminate the milk or milk contact surfaces of equipment.
- b) Drugs and medicines shall be stored in such a manner that they cannot contaminate the milk or milk product contact surface of the equipment, containers or utensils. Such products shall be properly labeled to include:
- 1) The name and address of the manufacturer or distributor (for O.T.C. medicines and drugs), or veterinary practitioner dispensing the product (for Rx and Extra-Label use medicines and drugs), and,
 - 2) Directions for use, and prescribed holding times;

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- 3) Cautionary statements, if needed; and
 - 4) Active ingredient(s) in the drug product.
- c) Unapproved and/or improperly labeled drugs and medicines shall not be used to treat dairy animals and shall not be stored in the milkhouse, milking barn, stable or parlor. Drugs and medicines intended for treatment of non-lactating dairy animals shall be segregated from those drugs and medicines used for lactating animals. (Separate shelves in cabinets, refrigerators, or other storage facilities satisfy this item.)
- d) Topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage from vitamins and/or mineral products are exempt from labeling and storage requirements except when it is determined that they are stored in such a manner that they may contaminate the milk or milk product surfaces of containers or utensils.
- e) The following describes the Department's Drug residue control program for Grade A raw milk under Section 6 of the PMO.
- 1) If the analysis of a sample from a bulk milk pickup tanker or milk received directly from the farm bulk tank shows any drug residue at or above the tolerances and/or safe levels of drug residues as established by Appendix N of the PMO, then the individual sample collected from each producer's milk that was in the bulk milk pickup tanker is tested to determine which producer or producers have created or contributed to the drug residue.
 - 2) When the individual sample testing is complete and the tests indicate a violative drug residue, the producer's or producers' Grade A permit will be summarily suspended. Another sample will be taken from milk produced after a 48 hour withholding period to determine whether this adulteration is continual. On the second and third occurrence of the violative drug residue in a 12 month period, the producer's Grade A permit will be summarily suspended. Another sample will be taken from milk produced after a 96 hour withholding period to determine whether this adulteration is continual. For the third occurrence of a drug residue in any 12 month period the Department shall initiate administrative procedures pursuant to revocation of the producer's permit.
 - 3) If the resample taken after 48 or 96 hours, as applicable, shows no violative drug residue, the suspended Grade A permit will be conditionally reinstated for up to 30 days. The producer and a licensed veterinarian must complete a quality assurance (QA) program, within the 30 day conditional reinstatement of the Grade A permit.
 - 4) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate, signed by the producer and a licensed veterinarian, the producer's Grade A permit shall be fully reinstated.
- f) The following describes the alternative penalty procedures for the

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- Department's drug residue control program for Grade A raw milk.
- 1) When individual sample testing for drug residues has been completed and test results indicate a violative drug residue, the producer's or producers' Grade A permit will be summarily suspended. The producer or producers may submit to the Department a written request for an equivalent penalty to the 48 hour withholding period for the first occurrence and 96 hour withholding period for the second and third occurrences. The equivalent penalty for the first occurrence shall be \$2.00 per hundred weight of the milk produced during the 48 hours following the violative shipment. The equivalent penalty for the second and third occurrences shall be \$4.00 per hundred weight of the milk produced during the 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk, by the last day of the month immediately following the violation. Following the third occurrence of a drug residue violation in any twelve month period, the Department shall initiate administrative procedures, pursuant to Section 775.90 to permanently revoke the producer's permit.
 - 2) The producer's Grade A permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the Grade A permit.
 - 3) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's Grade A permit shall be fully reinstated.
 - 4) All monies collected through the drug residue control program and deposited in the Food and Drug Safety Fund will be dedicated to drug residue prevention efforts, producer education and information in the prevention of drug residues.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Manufactured Dairy Products

2) Code Citation:

77 Ill. Adm. Code 785

3) Section Numbers:Proposed Action:785.1220
Amendment4) Statutory Authority:Implementing and authorized by the Illinois Food, Drug and Cosmetic Act
[410 ILCS 620].5) A Complete Description of the Subjects and Issues Involved:

The production, handling, transportation and processing of manufactured grade milk are regulated by the U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA) and are amended by state regulatory authorities. Current federal and State rules contain a penalty section for the administration of drug residue violations as part of the regulatory agency's responsibilities. Pursuant to these rules, the Illinois Department of Public Health suspends immediately the permit of the producer or producers found in violation for a minimum of 48 hours for the first occurrence of a drug residue violation and 96 hours for the second or third occurrence, with permit revocation procedures initiated following the third occurrence. Under the current rules, during the suspension period the producer's milk may not be sold for purposes of human or animal consumption.

In 1994 Public Act 88-600 was signed, authorizing the Department of Public Health to establish in its rules an equivalent monetary penalty for Illinois producers. These proposed amendments will implement Public Act 88-600 by providing monetary penalties for drug residue violations that may be used as an alternative to the 48 or 96 hour milk withholding period following permit suspension. If the producer chooses an equivalent monetary penalty, the producer may sell milk that has been tested and no longer contains a violative drug residue. This would eliminate the destruction of potentially "good" milk that would have to be destroyed under a suspension period.

Public Act 88-600 also provides that any penalties collected as a result of a positive drug residue violation be deposited into the Food and Drug Safety Fund. The proposed rulemaking specifies that these funds will be used for drug residue avoidance programs, that will include producer

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education and information services, for the purpose of reducing and eliminating positive drug residues in the milk supply.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.7) Does this Rulemaking Contain an Automatic Repeal Date? No8) Does this Rulemaking Contain any Incorporations by Reference? No9) Are there any Other Proposed Amendments Pending on this Part? No10) Statement of Statewide Policy Objectives:

This proposed rulemaking neither creates nor expands a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 217/782-6187 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules should indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Type of Small Businesses Affected:

Dairy farms and dairy processing plants.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Violative drug residues are reported to the Department and records are retained for 2 years.

C) Types of Professional Skills Necessary for Compliance: None.13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas:

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Not applicable.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 785

MANUFACTURED DAIRY PRODUCTS

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785.120	Incorporated Materials

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785.220	Sediment Content Classification
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785.250	Excluded Milk
785.260	Quality Testing of Milk from New Producers
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785.330	Cooling
785.340	Milkhouse or Milkroom
785.350	Utensils and Equipment
785.355	Protection from Contamination
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785.380	Qualifications for Farm Licensing

SUBPART D: REQUIREMENTS FOR LICENSED DAIRY PLANTS

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785.405	Buildings

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785.410 Facilities
 785.415 Equipment and Utensils
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 785.430 Protection and Transportation of Raw Milk and Cream
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 785.440 Pasteurization or Sterilization
 785.445 Composition and Wholesomeness
 785.450 Cleaning and Sanitizing Treatment
 785.455 Insect and Rodent Control Program
 785.460 Plant Records
 785.465 Packaging and General Identification
 785.470 Storage of Finished Product
 785.475 Qualification for Plant Licensing

SUBPART E: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING
 AND PACKAGING INSTANT NONFAT DRY MILK, NONFAT DRY MILK, DRY WHOLE MILK, DRY
 BUTTERMILK, DRY WHEY, AND OTHER DRY MILK PRODUCTS

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 785.500 Rooms and Compartments - Dry Storage of Product
 785.503 Packaging Room for Bulk Products
 785.506 Hopper or Dump Room
 785.509 Repackaging Room
 785.512 Equipment and Utensils - General Construction, Repair, and Installation
 785.515 Preheaters
 785.518 Hotwells
 785.521 Evaporators and/or Vacuum Pans
 785.524 Surge Tanks
 785.527 High Pressure Pumps and Lines
 785.530 Dryers
 785.533 Collectors and Conveyors
 785.536 Dry Dairy Product Cooling Equipment
 785.539 Special Treatment Equipment
 785.542 Sifters
 785.545 Portable and Stationary Bulk Bins
 785.548 Automatic Sampling Device
 785.551 Dump Hoppers, Screens, Mixers and Conveyors
 785.554 Filler and Packaging Equipment
 785.557 Heavy Duty Vacuum Cleaners
 785.560 Clothing and Shoe Covers
 785.563 Operations and Operating Procedures - Pasteurization
 785.566 Condensed Surge Supply
 785.569 Condensed Storage Tanks
 785.572 Drying
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 785.578 Packaging, Repackaging and Storage

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785.581 Product Adulteration
 785.584 Checking Quality
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 AND PACKAGING BUTTER AND RELATED PRODUCTS

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 785.600 Rooms and Compartments - Coolers and Freezers
 785.605 Churn Rooms
 785.610 Print and Bulk Packaging Rooms
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785.765	Press
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785.794	Packaging and Repackaging
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SUBPART H: SUPPLEMENTAL REQUIREMENTS FOR PLANTS
MANUFACTURING, PROCESSING, AND PACKAGING PASTEURIZED
PROCESS CHEESE AND RELATED PRODUCTS

Section	Equipment and Utensils - General Construction, Repair, and Installation
785.810	Conveyors
785.820	Grinders or Shredders
785.830	Cookers
785.840	Fillers
785.850	Operations and Operating Procedures - Trimming and Cleaning
785.860	Cooking the Batch
785.870	Forming Containers
785.880	Filling Containers
785.890	Closing and Sealing Containers

SUBPART I: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING
AND PACKAGING FROZEN DESSERTS

Section	Pasteurization of Frozen Dessert Mix
785.900	Cooling
785.910	Storage
785.920	Laboratory Control Tests
785.930	Packaging and Labeling
785.940	Returns
785.950	Lubricants
785.955	Vehicles
785.960	Frozen Desserts Retail Establishments
785.970	Product Test Procedures and Quality Requirements
785.980	Quality Standards for Raw and Pasteurized Dairy Ingredients, Mix, or Frozen Desserts
785.990	

SUBPART J: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING,
PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR
STERILIZED MILK PRODUCTS

Section

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785.1000	Equipment and Installation	Utensils - General Construction, Repair and
785.1010	Evaporators and Vacuum Pans	
785.1020	Fillers	
785.1030	Batch or Continuous In-containers Sterilizers	
785.1040	Homogenizers	
785.1050	Operations and Operating Procedures - Preheat and Pasteurization	
785.1060	Filling Containers	
785.1070	Storage	

SUBPART K: ADMINISTRATIVE PROCEDURES

Section	
785.1100	Licenses
785.1110	Inspection
785.1120	Licensure
785.1130	Expiration and Revocation of License
785.1140	Reinstatement
785.1150	Licensing Plants and Milk Hauler/Samplers
785.1155	Application for License
785.1160	Plant Inspection
785.1170	Suspension of License
785.1175	Expiration, Suspension and Revocation of License
785.1180	Reinstatement
785.1190	Supervision - Department
785.1200	Administrative Hearings
785.1210	Pesticide, Herbicide and Mycotoxin Residue Control Program
785.1220	Drug Residue Monitoring and Farm Surveillance

AUTHORITY: Implementing and authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Filed as amended June 13, 1972, effective June 26, 1972, and August 14, 1972; codified at 8 Ill. Reg. 18491; Part repealed, new Part adopted at 11 Ill. Reg. 2356, effective February 1, 1987; amended at 17 Ill. Reg. 14027, effective August 15, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART K: ADMINISTRATIVE PROCEDURES

Section 785.1220 Drug Residue Monitoring and Farm Surveillance

The following describes the Department's Drug Residue Monitoring and Farm Surveillance Program. It is established to reference safe levels and/or tolerances and to assure milk supplies are in compliance with these safe levels or established tolerances for drug residues in milk.

- a) Industry Responsibilities
- 1) Monitoring and Surveillance

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- A) Industry shall screen all bulk milk pick-up tankers for beta lactam drug residues. Additionally, other drug residues shall be screened for by employing a random sampling program on bulk milk pick-up tankers. The random bulk milk pick-up tanker sampling program shall represent and include, during any six months, at least four (4) samples collected in at least four (4) separate months. Samples shall be analyzed as specified by the Department.
- B) Bulk milk pick-up tanker testing shall be completed prior to processing the milk. Bulk milk pick-up tanker samples found to have a violative drug residue shall be retained as determined necessary by the Department. Industry shall also record all sample results and retain such records for a period of six months.
- 2) Reporting and Farm Traceback
- A) When a bulk milk pick-up tanker is found to have a violative drug residue, the Department shall be immediately notified of the results and the ultimate disposition of the raw milk.
- B) The individual sample collected from each producer's milk that was in the bulk milk pick-up tanker that was found to have a violative drug residue shall be immediately tested to determine which producer or producers have created or contributed to the drug residue.
- C) Further pickups of the violative individual producer or producers shall be immediately discontinued until such time that subsequent tests no longer indicate violative drug residues and enforcement requirements of subsection (b)(2) of this Section have been met.

b) Department Responsibilities

- 1) Monitoring and Surveillance
- A) The Department shall monitor industry surveillance activities by making unannounced on-site inspections to collect samples from bulk milk pick-up tankers and to review industry records of the random sampling program.
- B) The Department shall also perform routine sampling and testing for drug residues determined to be necessary.
- 2) Enforcement
- A) If testing reveals violative drug residues, the milk shall be disposed of in a manner that removes it from the human or animal food chain except where reconditioned under Department approval.
- B) When the individual testing as required in subsection (a)(2)(B) of this Section is complete and the tests indicate any drug residue at or above the tolerance and/or safe levels, the producer's permit will be summarily suspended. Another sample will be taken from milk produced after a 48 hour withholding period to determine whether this adulteration is continual. On the second and third

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- occurrences occurrence of the violative drug residue in a 12 month period, the producer's manufactured raw milk Grade-A permit will be summarily suspended. Another sample will be taken from milk produced after a 96 hour withholding period to determine whether this adulteration is continual. For the third occurrence of a drug residue in any 12 month period the Department shall initiate administrative procedures pursuant to revocation of the producer's permit.
- C) If the resample shows no violative drug residue, the permit will then be conditionally reinstated until such time as the producer and a licensed veterinarian have completed a quality assurance program, but in no case for greater than 30 days.
- D) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured permit shall be fully reinstated.
- 3) The following describes the alternative penalty procedures for the Department's drug residue control program for manufactured raw milk.
- A) When individual sample testing for drug residues has been completed and test results indicate a violative drug residue, the producer's or producers' manufactured raw milk permit will be summarily suspended. The producer or producers may submit to the Department a written request for an equivalent penalty to the 48 hour withholding period for the first occurrence and 96 hour withholding period for the second and third occurrences. The equivalent penalty for the first occurrence shall be \$2.00 per hundred weight of the milk produced during the 48 hours following the violative shipment. The equivalent penalty for the second and third occurrences shall be \$4.00 per hundred weight of the milk produced during 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk, by the last day of the month immediately following the violation. Following the third occurrence of drug residue violation in any twelve month period, the Department shall initiate administrative procedures, pursuant to Section 775.90, to permanently revoke the producer's permit.
- B) The producer's manufactured raw milk permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the manufactured raw milk permit.

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- C) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured raw milk permit shall be fully reinstated.
- 4) All monies collected through the drug residue control program shall be deposited in the Food and Drug Safety Fund and will be dedicated to drug residue prevention efforts, producer education and information for the prevention of drug residue.
- c) Established Tolerances and/or Safe Levels of Drug Residues
- 1) Tolerances for drugs which may result in milk are set forth in 21 CFR 556 (1991).
 - 2) "Safe levels" are used by the Department for prosecutorial discretion. They do not legalize residues found in milk that are below the safe level. Safe levels as established by the Federal Food and Drug Administration will be transmitted by the Department via Technical Releases.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Department of Children and Family Services Employee Conflict of Interest
- 2) Code Citation: 89 Ill. Adm. Code 437
- 3) Section Numbers: Adopted Action:
437.7 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].
- 5) Effective Date of Amendments: May 1, 1995
- 6) Does this rulemaking contain an automatic repeal date: No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: May 1, 1995
- 9) Notice(s) of Proposal Published in Illinois Register: May 20, 1994 at 18 Ill. Reg. 7579.
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Difference(s) between proposal and final version:

Authority Note
Deleted all references to "Illinois Revises Statutes", deleted "30 ILCS 505/" and "505/" at lines 20 and 21 respectively, changed "4A-101 et seq." to "Article 4A" at line 22 and added a semicolon after the closing bracket in line 23.

Section 437.7
Subsection (a); deleted "/1-101 et seq." in line 33, added a comma after the word "for" in line 44, added the word "the" before "State" in line 45, added a comma after the word "proceeding" in line 55, added "(Section 4A-101 of the Act)" after the word "State" in line 57 and changed the word "this" to "the" in line 58.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.

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- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of these amendments: Part 437 was amended in compliance with Public Act 88-187 which revised the Illinois Governmental Ethics Act, requiring that Department employees file an annual economic disclosure statement based upon certain job functions rather than their salaries.
- 16) Information and questions regarding these amendments shall be directed to:
- Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station 222
Springfield, Illinois 62701-1498
(217) 524-1983; TDD: (217) 524-3715

The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION
PART 437
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
EMPLOYEE CONFLICT OF INTEREST

Section

- 437.1 Purpose
437.2 Definitions
437.3 Department Statutory Responsibilities
437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties
437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs
437.6 Prohibitions Under the Illinois Purchasing Act
437.7 Requirements of the Governmental Ethics Act
437.8 Prohibition of Employee Conflicts in the Care of Children
437.9 Violations of Part 437

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective

MAY 01 1995

Section 437.7 Requirements of the Governmental Ethics Act

- a) Department employees are required by the Illinois Governmental Ethics Act (the Act) (111 Rev. Stat. 1903, ch. 117, par. 601-101 et seq.) [5 ILCS 420] to file a yearly statement disclosing their economic interests when employees: their pay is equal to or greater than the amount stipulated by the Act as amended; Employees to whom the Act applies are notified by mail of the requirement by the index Department of the Office of the Secretary of State: 1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State; 2) have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of

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contracts entered into by the State in the amount of \$5,000 or more:

- 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;
 - 4) have authority for the approval of professional licenses;
 - 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
 - 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or
 - 7) have supervisory responsibility for 20 or more employees of the State (Section 4A-101 of the Act).
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15.00 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100.00 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15.00 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Amended at 19 Ill. Reg. 6311, effective MAY 01 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Subacute Care Hospital Demonstration Program Code

2) Code Citation:

77 Ill. Adm. Code 270

3) Section Numbers: Adopted Action:

270.1000 Amendments
270.1200 Amendments
270.2100 Amendments

4) Statutory Authority:

Alternative Health Care Delivery Act

[210 ILCS 3] (see Public Act 88-490, effective September 10, 1993)

5) Effective Date of Rules:

May 1, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain Any Incorporations By Reference? No8) Date Filed in Agency's Principal Office:

May 1, 1995

9) Date Notice(s) of Proposal was Published in Illinois Register:

October 28, 1994 - 18 Ill. Reg. 15711

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In lines 27, 126, 222, and 307, "18" was changed to "19".
2. In line 300, "and" was stricken out.
3. In line 302, the period was stricken out and "; and" was added.

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The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. Line 24 was changed to "Delivery Act [210 ILCS 3] (see Public Act 88-490, effective)".
2. In line 55, "as amended" was changed to "; see".
3. In line 56, "by" was deleted.
4. In line 82, "to provide skilled nursing care" was stricken out.
5. In line 83, "to provide skilled nursing care" was added before the period.
6. In line 103, the colon was stricken.
7. One indent level was removed from lines 104-107.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rules:

These amendments are being adopted to implement Public Act 88-490 (effective September 10, 1993), which amended the Alternative Health Care Delivery Act to provide that one of the subacute alternative health care models in the City of Chicago "shall be located on a designated site and shall have been licensed as a hospital under the Illinois Hospital Licensing Act within the 10 years immediately before the application for a license."

Section 270.1000 is being amended to add a definition of "Designated Site".

Section 270.1200 is being amended to add reference to the Designated Site

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to the requirements for application for an issuance of a license to operate a subacute care hospital model. The Designated Site is also required to comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

Section 270.2100 is being amended to add reference to the Designated Site under patient care requirements governing blood transfusions.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito,
Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES
 PART 270
 SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section	
270.1000	Definitions
270.1050	Statutes and Rules Referenced
270.1100	Demonstration Program Elements
270.1200	Application for and Issuance of a License to Operate a Subacute Care Hospital Model
270.1300	Obligations and Privileges of Subacute Care Hospital Models
270.1400	Inspections and Investigations
270.1500	Notice of Violation and Plan of Correction
270.1600	Adverse License Action
270.1700	Admission Practices
270.1800	Patient Assessment
270.1900	Comprehensive Care Plan
270.2000	Patient's Rights
270.2100	Patient Care Services
270.2200	Personnel
270.2300	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3] (see Public Act 88-490, effective September 10, 1993).

SOURCE: Adopted at 18 Ill. Reg. 2424, effective January 28, 1994; amended at 19 Ill. Reg. 6315, effective MAY 01 1995.

Section 270.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted subacute care hospital services to persons who cannot afford to pay.

Comparable Health Care Providers - other facilities holding the comparable Illinois Department of Public Health license.

Comprehensive Care Plan - a document, developed by the Interdisciplinary Team, that includes measurable objectives and timetables to meet a patient's medical, nursing, mental and

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psychosocial needs that are identified in the comprehensive assessment. Intermediate steps must be included for each objective if identification of those steps will enhance the patient's ability to meet the objectives.

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10 of the Act)

Department - the Illinois Department of Public Health. (Section 10 of the Act)

Designated Site - a location in the city of Chicago not currently licensed as a hospital or nursing home, which was licensed as a hospital under the Illinois Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85] within the 10 years immediately before application for a license as a Subacute Care Hospital Model. (Section 35 of the Act; see P.A. 88-490)

Dietician - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the Director of Public Health or his designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85].

Inspection - any survey, evaluation or investigation of the subacute care hospital model's compliance with the Act and this Part by the Department or designee.

Interdisciplinary Team - a group primarily responsible for preparing the comprehensive care plan, which includes the patient, the patient's representative, the attending physician, a registered nurse with responsibility for caring for the patient and other appropriate staff in disciplines determined by the patient's needs and facility policy.

Licensee - the person or entity licensed to operate the subacute care hospital model.

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Nursing Home - a facility licensed pursuant to the Nursing Home Care Act to provide skilled-nursing-care (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45] to provide skilled nursing care.

Patient's Program Manager - a facility staff person responsible for organizing the patient's care. This person will be qualified by training and experience but may be any of several disciplines, such as, nurse, social worker, etc. This person may have other primary job responsibilities. A facility may have a specific program manager or may have many program managers who have responsibility for a few patients.

Patient's Representative - a person authorized by the patient or by law to act on behalf of the patient.

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60].

Physiological Monitoring on a Continual Basis - monitoring of a physiological function such as breathing, cardiovascular functioning or biochemical functioning on a continual basis by electronic, mechanical, or other medically appropriate method.

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65].

Social Worker - a person who is a licensed social worker or licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 351 et seq.) [225 ILCS 20].

Subacute Care - the provision of inpatient services in a subacute care hospital model for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require the stabilization or treatment provided in acute hospital care. Subacute care includes physician supervision, registered nursing and physiological monitoring on a continual basis. (Section 35 of the Act)

Subacute Care Hospital Model - a freestanding building or a distinct physical and operational entity within a hospital or nursing home building that is licensed to participate in the Demonstration Program. A subacute care hospital model shall only consist of beds existing in licensed hospitals or skilled nursing facilities. (Section 35 of the Act)

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Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 270.1200.

(Source: Amended at 19 Ill. Reg. 6315, effective MAY 01 1995)

Section 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model

- a) The applicant shall be licensed as a skilled nursing home or a pediatric skilled nursing home pursuant to the Nursing Home Care Act or as a hospital pursuant to the Hospital Licensing Act or be a Designated Site.
- b) Applications for a license to operate a subacute care hospital model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
 - 1) Proof of a Certificate of Need to establish and operate a subacute care hospital model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960];
 - 2) The name and address of the hospital, or skilled nursing home or Designated Site's licensee, which shall be the name of the Model licensee;
 - 3) The name of the proposed Model;
 - 4) The address of the proposed Model, if it is a freestanding building;
 - 5) A precise description of the site of the proposed Model, and if it is located within the hospital or skilled nursing home, the room numbers of those rooms which will be used as subacute care beds;
 - 6) The number of subacute care beds;
 - 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license; and
 - 8) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.

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of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

(Source: Amended at 19 Ill. Reg. 6315, effective MAY 01 1995)

Section 270.2100 Patient Care Services

- a) The licensee shall provide *physician supervision* consistent with the needs of the patients, on a *continual basis*. (Section 35 of the Act)
 - 1) There shall be frequent, consistent contact between physicians and the patient and between physicians and other facility personnel, to provide medical direction for the comprehensive care plan.
 - 2) There shall be one or more direct physician to patient contacts per week.
 - 3) Other contacts may be made through a combination of visits and status reports by other personnel caring for the patient.
- b) The licensee shall provide *registered nursing* on a *continual basis* through the onsite availability of registered nurses for hands-on care 24 hours per day. (Section 35 of the Act)
- c) The licensee shall provide *physiological monitoring* on a *continual basis*, as necessary to meet the needs of each patient, such as continual electronic monitoring of breathing, cardiovascular functioning or biochemical functioning. (Section 35 of the Act)
- d) The licensee shall provide 24-hour-per-day access to diagnostic support services consistent with the patient's comprehensive care plan.
- e) The licensee shall provide adequate auxiliary and support services to meet each patient's comprehensive care plan.
- f) A program manager shall be designated for each patient. A program manager may serve one or more patients. The provision of services to each patient shall be organized through the patient's manager who shall:
 - 1) Assume responsibility for implementation of the comprehensive care plan;
 - 2) Assist the patient in becoming oriented to his/her program;
 - 3) Enable the patient's program to proceed in an orderly, purposeful, and goal-oriented manner;
 - 4) Promote the program's responsiveness to the needs and preferences of the patient;
 - 5) Promote the participation of the patient on an ongoing basis in discussions of plans, goals, status, etc;
 - 6) Participate consistently in team conferences concerning the patient; and
 - 7) Facilitate the discharge process and arrangements for follow-up and supportive services.

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- 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;
- 2) The license shall become automatically void and shall be returned to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.
- f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
 - 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
 - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
- g) *The Department may issue a provisional license to any subacute care hospital model that does not substantially comply with the provisions of the Act and this Part:*
 - 1) A provisional license may be issued only if the Department finds that:
 - A) *The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act; and*
 - B) *The health and safety of the patients in the model will be protected during the period for which the provisional license is issued.* (Section 30 (c) of the Act)
 - 2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*
 - A) *The manner in which the model fails to comply with the provisions of the Act;*
 - B) *The changes and corrections that shall be completed;*
 - C) *The time within which the necessary changes and corrections shall be completed* (Section 30 (c) of the Act); and
 - D) *The interim actions that are necessary to protect the health and safety of the patients.*
- h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
 - i) Except for the Designated Site, a Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.
- j) The Designated Site shall comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type

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g) The licensee shall provide other services as necessary to implement and support the patient's comprehensive care plan and overall needs, including provisions for:

- 1) Case management;
- 2) Fostering maximum patient independence;
- 3) Protection of patient rights, privacy and dignity;
- 4) Assisting the patient and patient's representative in understanding and adjusting to the patient's current condition, prognosis and future needs; and
- 5) Discharge planning.

h) A Subacute Care Hospital Model licensee that is not licensed under the Hospital Licensing Act as a general acute care hospital shall have a transfer agreement with at least one general acute care hospital in order to handle cases of complications, emergencies or exigent circumstances. (Section 35 of the Act)

i) A licensee shall develop a written policy to the extent possible, to link and integrate its services with nearby health care facilities to meet the needs of the patients. (Section 30(e) of the Act)

j) If the facility is licensed under the Hospital Licensing Act, the Hospital Licensing Requirements shall apply to blood transfusions. If the facility is licensed under the Nursing Home Care Act or is a Designated Site, blood transfusions may be given to patients receiving subacute care only if the facility has a transfusion protocol that is approved by the medical director, director of nursing services and the administrator. The protocol must be followed and must address, at least, the following to assure the safety of the patient:

- 1) Acquisition, transportation and storage of the blood or blood products;
- 2) Supervision by a physician;
- 3) The supplies necessary for the transfusion and response to emergencies;
- 4) Administration of the blood or blood products;
- 5) Monitoring of the patient during and after the transfusion; and
- 6) The qualifications of the staff responsible for implementing subsections (j)(1), (3), (4) and (5) above; and
- 7) Arrangements with a licensed hospital to have all blood transfusions and transfusion reactions reviewed in accordance with Section 250.520(1) and (j) of the Hospital Licensing Requirements.

(Source: Amended at 19 Ill. Reg. 6315, effective MAY 01 1995)

BOARD OF EXAMINERS

NOTICE OF RECODIFICATION

1) Heading of the Part: Certificate of Certified Public Accountants

2) Code Citation: 23 Ill. Adm. Code 1400

3) Date of Administrative Code Division Review: April 19, 1995

4) Headings and Section Numbers of the Part Being Recodified: Chapter V

Section Numbers	Headings
1300.10	Administrative Functions
1300.20	Duties of the Board of Examiners
1300.30	Appointment of the Board of Examiners
1300.50	Organization and Compensation of the Board of Examiners
1300.60	Filing of the Application and Payment of Fees
1300.70	Rebate of Fees
1300.90	The Educational Requirement
1300.100	Examinations - General
1300.110	Reserved
1300.120	Examinations - Frequency
1300.130	Examinations - Scope
1300.140	Examinations - Length
1300.150	Examinations - Preparations and Grading
1300.160	Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1300.170	Failure in All Subjects - Re-Examination
1300.180	C.P.A. Certificate - Awarding
1300.190	Retention of Records
1300.200	Disposition of Fees
5) Outline of the Section Numbers and Headings of the Part as Recodified: Chapter VI	
Section Numbers	Headings
1400.10	Administrative Functions
1400.20	Duties of the Board of Examiners
1400.30	Appointment of the Board of Examiners
1400.50	Organization and Compensation of the Board of Examiners
1400.60	Filing of the Application and Payment of Fees
1400.70	Rebate of Fees
1400.90	The Educational Requirement

BOARD OF EXAMINERS

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DEPARTMENT OF REVENUE

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- 1400.100 Examinations - General
- 1400.110 Reserved
- 1400.120 Examinations - Frequency
- 1400.130 Examinations - Scope
- 1400.140 Examinations - Length
- 1400.150 Examinations - Preparations and Grading
- 1400.160 Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
- 1400.170 Failure in All Subjects - Re-Examination
- 1400.180 C.P.A. Certificate - Awarding
- 1400.190 Retention of Records
- 1400.200 Disposition of Fees

6) Conversion Table of Present and Recodified Parts:

Present Part	Recodified Part
1300.10	1400.10
1300.20	1400.20
1300.30	1400.30
1300.50	1400.50
1300.60	1400.60
1300.70	1400.70
1300.80	1400.80
1300.90	1400.90
1300.100	1400.100
1300.110	1400.110
1300.120	1400.120
1300.130	1400.130
1300.140	1400.140
1300.150	1400.150
1300.160	1400.160
1300.170	1400.170
1300.180	1400.180
1300.190	1400.190
1300.200	1400.200

IT 95-0020

General Information Letter: 02/14/1995

seeking to utilize an alternative apportionment method has the burden of going forward with the evidence and proving by clear and cogent evidence that the statutory formula results in taxation of extraterritorial values and operates unreasonably and arbitrarily in attributing to Illinois a percentage of income which is of proportion to the business transacted in this State.

IT 95-0054

General Information Letter: 03/30/1995

apportionment under Section 304(f) of the IITA is not intended to be invoked merely because it results in different amounts of income loss than formula apportionment. However, if the application of the statutory formula will lead to a grossly distorted result in a particular case, a fair and accurate alternative method is appropriate.

IT 95-0032

Private Letter Ruling: 03/06/1995

Any interest receipts on credit card loans originated in Illinois for Illinois customers that are received within Illinois shall be included in the Illinois numerator and denominator of the financial organization's apportionment factor calculation, any interest receipts on credit card loans originated in Illinois for Illinois customers that are received outside of Illinois shall be excluded from the Illinois numerator but included in the denominator of the financial organization's apportionment factor calculation.

IT 95-0046

General Information Letter: 03/24/1995

Letter rulings IT 89-0034, IT 90-067 and IT 90-218 were revoked in 1993.

IT 95-0051

General Information Letter: 03/28/1995

The Department is in the process of developing rules to set forth the definition of the term "financial organization".

BASE INCOME

(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 95-0009

General Information Letter: 01/24/1995

Section 203(a) of the Illinois Income Tax Act provides that an individual's Illinois taxable income is based upon the individual's federal adjusted gross income subject to certain addition and

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subtraction modifications.

IT 95-0021 *General Information Letter:* 02/15/1995 In order to compute Illinois base income, a corporation begins with federal taxable income. (See IITA Section 203(b)(1)). Therefore, items included for federal purposes would be subject to Illinois income taxation unless one of the subtractions listed in Section 203(b)(2) is applicable.

IT 95-0042 *General Information Letter:* 03/21/1995 Section 203(a) of the Illinois Income Tax Act provides that a taxpayer's base income means an amount equal to the taxpayer's federal adjusted gross income subject to certain statutory addition and subtraction modifications.

IT 95-0044 *General Information Letter:* 03/22/1995 The starting point in determining a taxpayer's base income is an amount equal to the taxpayer's federal adjusted gross income subject to certain statutory addition and subtraction modifications.

BUSINESS INCOME

IT 95-0047 *General Information Letter:* 03/25/1995 IITA Section 1501(a)(1) defines business income as income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

CREDITS - CREDITS FOR RESIDENTIAL REAL PROPERTY TAXES

IT 95-0022 *General Information Letter:* 02/17/1995 IITA Section 208 provides that beginning with tax years ending on or after December 31, 1991, every individual taxpayer shall be entitled to a tax credit equal to 5% of real property taxes paid by such taxpayer during the taxable year on the principal residence of the taxpayer.

CREDITS - FOREIGN TAX

IT 95-0004 *General Information Letter:* 01/19/1995 Section 601(b)(3) of the Illinois Income Tax Act provides for a credit for tax paid to another state on income also subject to Illinois income tax. This credit will not exceed that amount which bears

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the same ratio to the tax imposed by the Illinois Income Tax Act as the amount of the taxpayer's base income subject to tax both by such other state or states, and by this state bears to the taxpayer's total base income subject to tax by this state.

IT 95-0031 *Private Letter Ruling:* 02/27/1995 Section 601(b)(3) states that the aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states or income which is subject to the tax imposed by Subsections 201(a) and (b) of this Act shall be credited against the tax imposed by Subsections 201(a) and (b) otherwise due under this Act for such taxable year.

CREDITS - RESEARCH AND DEVELOPMENT

IT 95-0035 *General Information Letter:* 03/06/1995 We are unable to rule that the research and development credit will pass through to S corporation shareholders. Based on our examination of the language of the research and development credit, the language of the various other credits from the IITA and the history of the enactment of the various other credits under the IITA, we do not believe that we have the statutory authority to issue the letter ruling that you seek.

CREDITS - OTHER RULINGS

IT 95-0025 *General Information Letter:* 02/21/1995 Article 2 of the Illinois Income Tax Act sets forth the statutory basis of the various income tax credits. In addition, there is also a credit against the Illinois income tax for certain taxes paid by a resident to a foreign state.

EXEMPT ORGANIZATIONS

IT 95-0002 *General Information Letter:* 01/11/1995 Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

IT 95-0008 *General Information Letter:* 01/24/1995 If an exempt

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IT 95-0027 *General Information Letter:* 02/22/1995 The Illinois Constitution of 1970 mandated abolition of personal property taxes effective January 1, 1979.

IT 95-0028 *General Information Letter:* 02/23/1995 Letter refuting contentions of a tax protestor.

IT 95-0041 *General Information Letter:* 03/21/1995 The Department has not exercised its statutory discretion to adopt procedures for declaratory rulings under the Illinois Administrative Procedure Act.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTIONS

IT 95-0019 *General Information Letter:* 02/14/1995 In the calculation of Illinois net losses which occur for taxable years ending on or after December 31, 1986, the Department takes the position that statutorily authorized "Illinois net losses" may be attributed in the same manner as federal net operating losses under IRC 172 are attributed to an acquiring corporation in a transaction that qualifies federally for treatment under IRC Section 381, subject to the limitations.

IT 95-0045 *General Information Letter:* 03/24/1995 Illinois net losses are carried back by attaching a completed Schedule NLD to the appropriate form for the entity for the year to which the loss is being carried. It is necessary to file an Illinois income tax return in order to establish an Illinois operating loss for a particular year.

IT 95-0052 *General Information Letter:* 03/28/1995 For taxable years ending on or after December 31, 1986, Section 207 of the Illinois Income Tax Act provides an Illinois net loss deduction for corporations (including subchapter S corporations), trusts, estates and partnerships.

PARTNERSHIPS

IT 95-0007 *General Information Letter:* 01/23/1995 According to Internal Revenue Code Section 761, co-owners of investment property may elect to be excluded from the federal partnership provisions, one of which requires them to execute partnership returns. If the taxpayer's investment club is relieved from filing federal Form 1065 in accordance with this provision, then the need for filing an IL-1065 for the years in which the federal election is in effect is

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organization has unrelated business taxable income determined under IRC Section 512, it will be subject to Illinois income taxation and will be required to file Form IL-990T.

IT 95-0012 *General Information Letter:* 01/27/1995 Pursuant to Section 205(a) of the Illinois Income Tax Act an organization that is exempt from federal income tax by reason of IRC Section 501(a) is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

IT 95 0049 *General Information Letter:* 03/27/1995 Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business income as determined under Section 512 of the Internal Revenue Code.

IRC Section 338

IT 95-0016 *General Information Letter:* 02/06/1995 Illinois recognition of the IRC Section 338(b)(10) election will mean that for Illinois purposes the selling group will not recognize gain or loss on the sale of the target's stock. The asset gain from the deemed sale of assets will be reported on the selling group member's Illinois return and be offset by losses of other selling group members, if any, if a combined return is filed by the selling group that includes the target. Otherwise, the asset gain will be reported on the target's and every other member's separate Illinois returns.

MISCELLANEOUS

IT 95-0006 *General Information Letter:* 01/23/1995 Request for information about a bond.

IT 95-0010 *General Information Letter:* 01/24/1995 Illinois does not have a personal property tax.

IT 95-0014 *General Information Letter:* 01/30/1995 Letter from a taxpayer concerning purported mis-attribution of income.

IT 95-0026 *General Information Letter:* 02/21/1995 The Illinois Department of Financial Institutions administers the Uniform Disposition of Unclaimed Property Act.

DEPARTMENT OF REVENUE

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obviated.

IT 95-0030 *General Information Letter:* 02/24/1995 According to Section 761 of the Internal Revenue Code, co-owners of investment property may elect to be excluded from the partnership provisions, one of which is a requirement to execute partnership returns. If the partnership is relieved from filing federal Form 1065 in accordance with IRC Section 761, then the need for filing Form IL-1065 for the years in which the federal election is in effect is also eliminated.

PUBLIC LAW 86-272/NEXUS

IT 95-0003 *General Information Letter:* 01/13/1995 General description of nexus principles.

IT 95-0023 *General Information Letter:* 02/21/1995 General discussion of nexus principles.

IT 95-0024 *General Information Letter:* 02/21/1995 General discussion of nexus principles.

IT 95-0033 *General Information Letter:* 03/06/1995 General discussion of income tax nexus principles.

IT 95-0034 *General Information Letter:* 03/06/1995 The taxpayer's representative advised that the corporation engages in the planting of prairie seeds and plants which are grown and collected in Wisconsin by the corporation and brought to Illinois and planted for Illinois customers. Under the circumstances described, the corporation's activities appear to clearly go beyond mere solicitation in this State.

IT 95-0057 *General Information Letter:* 03/31/1995 General discussion of nexus principles.

RATE OF TAX

IT 95-0005 *General Information Letter:* 01/23/1995 The rate of tax on individuals is a flat rate of 3%.

RETURNING - REQUIREMENTS TO FILE

IT 95-0017 *General Information Letter:* 02/10/1995 Section 502(a)(1) of the Illinois Income Act sets forth the general rule with

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respect to the filing of Illinois income tax returns by providing that a return shall be made by every person for any taxable year for which such person is liable for a tax imposed by the Illinois Income Tax Act.

IT 95-0053 *General Information Letter:* 03/29/1995 According to IITA Section 502(a), an individual is required to file an Illinois income tax return if such person is liable for a tax imposed by Illinois, or a resident who is required to make a federal income tax return, regardless of whether such person is liable for a tax imposed by Illinois.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 95-0011 *Private Letter Ruling:* 01/26/1995 Based upon the information provided, the Department ruled that the dividends paid by the taxpayer qualify for the enterprise zone dividend subtraction authorized by Section 203(a)(2)(J) of the Illinois Income Tax Act.

IT 95-0056 *General Information Letter:* 03/11/1995 We lack sufficient information to grant a private letter ruling authorizing the enterprise zone dividend subtraction.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 95-0018 *General Information Letter:* 02/10/1995 12 U.S.C. 1431 holds exempt from state income taxation notes, debentures, bonds and other such obligations. A Daily Investment Deposit Account is not an "other such obligation" that is exempt from state taxation.

IT 95-0036 *General Information Letter:* 03/06/1995 Interest derived from obligations of the Student Loan Marketing Association is exempted from Illinois income taxation by federal law, as is interest derived from bonds issued by the Tennessee Valley Authority.

SUBTRACTION MODIFICATIONS - MILITARY

IT 95-0043 *General Information Letter:* 03/22/1995 Although Section 203 of the Illinois Income Tax Act allows a deduction for military retirement pay, it does not provide a deduction for military income. Section 203(a)(1) allows a subtraction for military retirement pay for the extent it is includible in adjusted gross income. Based upon the information provided,

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the payments received by the taxpayer were based solely on her former husband's alimony obligation and do not represent pension payments to her.

SUBTRACTION MODIFICATIONS - MONEY MARKET MUTUAL FUNDS

IT 95-0015 *General Information Letter:* 02/03/1995 In light of Andras v. Illinois Department of Revenue, the Department has taken the position that dividend income received from a mutual fund investing in obligations which are exempt from state taxation pursuant to federal statutes may also be subtracted from adjusted gross income in determining Illinois base income.

SUBTRACTION MODIFICATIONS - PENSIONS

IT 95-0055 *General Information Letter:* 03/31/1995 Section 203(a)(2)(F) provides that an amount equal to all amounts included in an individual's adjusted gross income, pursuant to a federally tax-qualified plan or as a distribution under the provisions of any retirement or disability plan for employees of any government agency or unit, or subtractions (deductions) from adjusted gross income in determining the amount of income subject to Illinois income tax.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 95-0037 *General Information Letter:* 03/07/1995 For Illinois income tax purposes, only a taxpayer who has taken a federal credit for amounts repaid under "claim of right" is entitled to the subtraction modification authorized by IITA Section 203(a)(2)(P). If the taxpayer claims the deduction federally, no Illinois subtraction modification is allowed.

IT 95-0038 *General Information Letter:* 03/20/1995 Section 100.2470(c)(16) of the Department's rules provides that interest derived from bonds issued by the Government of Puerto Rico is exempt from Illinois income taxation.

IT 95-0039 *General Information Letter:* 03/20/1995 Income from State and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969 specifically provides for an exemption.

IT 95-0048 *General Information Letter:* 03/27/1995 Although moving expenses incurred before 1994 and not previously deducted

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can be recorded as an itemized deduction on Schedule A of your federal tax return, Section 203 of the IITA does not provide a deduction for such expenses.

TRUSTS

IT 95-0013 *General Information Letter:* 01/30/1995 For federal income tax purposes, a charitable remainder trust is exempt from federal income taxation unless it has unrelated business taxable income within the meaning of Section 512 of the Internal Revenue Code. If a trust is only required to file federal information Forms 1041-A and 5227 because it does not have any unrelated business taxable income, Form IL-1041 need not be filed.

IT 95-0029 *General Information Letter:* 02/24/1995 Section 306 of the Illinois Income Tax Act provides that the items of income and deduction taken into account by a trust in computing its base income for a taxable year shall be allocated or apportioned to this State to the extent provided by Sections 301 through 304 and, to the extent property paid, credited, or required to be distributed to beneficiaries for such taxable year, shall be deemed to have been so paid, credited or distributed prorata.

IT 95-0050 *General Information Letter:* 03/27/1995 Section 1501(a)(20) of the Illinois Income Tax Act defines a resident trust as a trust created by a will of a decedent who, at his death, was domiciled in this State or an irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable.

VALUATION LIMITATION

IT 95-0040 *General Information Letter:* 03/20/1995 The holding period for federal tax purposes for property acquired from a decedent generally starts with the date of death. The period of ownership by the decedent is not added to the recipient's holding period. The Illinois Department of Revenue follows these federal rules.

WITHHOLDING - OTHER RULINGS

IT 95-0001 *General Information Letter:* 01/05/1995 Payments made to the beneficiaries of, or to the estates of, deceased employees representing unpaid compensation for services rendered by the decedents are not wages subject to withholding.

DEPARTMENT OF REVENUE

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1. Statute requiring agency to publish information concerning certain letter rulings in the Illinois Register.

Name of Act: Illinois Department of Revenue Sunshine Act (Illinois Act No. 219/1 et seq.).

2. Summary of information:

Index of Department of Revenue Income Tax Private Letter Rulings and general information letters issued for the first quarter of 1995. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 80 Ill. Adm. Code 120.100, Request for information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, trade, industry, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no right for taxpayers under the taxpayer bill of Rights Act. (See 80 Ill. Adm. Code 120.110).

The letters are listed numerically, are identified as either a general information letter or a private letter ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications

Bond Premium Amortization
Dividends
Interest

Net Operating Loss

Zero Coupon Bonds

Other Rulings (Not Included Above)

Administrative Review

Allocation (For Alternative Apportionment Rulings, See that heading)

Amnesty

Apportionment

Financial Institutions

Insurance Companies

Payroll Factor

Property Factor

Index

Compendium of Rulings

Other Rulings (Not Included Above)

Amortization

Bond Premium Amortization

Net Operating Loss

Zero Coupon Bonds

Other Rulings (Not Included Above)

Administrative Review

Allocation (For Alternative Apportionment Rulings, See that heading)

Amnesty

Apportionment

Financial Institutions

Insurance Companies

Payroll Factor

Property Factor

Capital Gains (Losses)

Capital Gains (Losses)

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Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC Section 125 "Cafeteria" Plans
 IRC Section 401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income (Also See Addition Modifications, Subtraction Modifications)
 IRC Section 338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA Section 207) (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See Residency Nonresidency
 Notice and Demand: See Notices
 Notices
 Nuclear Decommissioning Trusts
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA Section 1001)
 Failure to File Withholding Returns (IITA Section 1004)
 Failure to Pay (IITA Section 1002)
 Failure to Pay Estimated Tax (IITA Section 805)
 Fraud IITA Section 1002
 Reasonable Cause (IITA Section 1001)
 Underpayment of Tax (IITA Section 1005)
 Other Rulings (Not Included Above)
 Pensions (Also See Subtraction Modifications)
 Political Organizations

Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)
 Regulated Investment Companies
 Replacement Tax (Also See Credits)
 Requirements of Requests for General Information Letters
 Requirements of Requests for Private Letter Rulings
 Residency Nonresidency
 Returns (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Bond Premium Amortization
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings (Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
 Transportation Services: See Apportionment
 Trusts

Uniform Penalty and Interest Act
 Unitary (Also See Combined Unitary Return)
 U.S. Government Obligations: See Subtraction Modifications
 Valuation Limitation: See Subtraction Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts (IITA Section 1405.2)
 Reciprocal Agreements
 Other Rulings (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, and 1993, are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

JOINT COMMITTEE ON ADMINISTRATIVE RULES
 ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

Code Citation: 77 Ill Adm Code 2090

Section Numbers: 2090.90 and 2090.100

Date Originally Published in the Illinois Register: 2/10/95
 19 Ill Reg 1156

At its meeting on April 18, 1995, the Joint Committee on Administrative Rules voted to prohibit filing of the above proposed rulemaking with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The Joint Committee on Administrative Rules objects to and prohibits the filing of Sections 2090.90 and 2090.100 of the rules of the Department of Alcoholism and Substance Abuse entitled Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090) because, contrary to Section 45-25 (a) of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/45-25], this rulemaking strikes a current provision that an applicant for provider certification may appeal the Department's decision and request a hearing. Also, contrary to Section 45-25 (b), this rulemaking does not allow provider certification to remain in effect pending a hearing concerning recertification denial. Thus, these 2 provisions of the Department's rulemaking threaten the interest, safety and welfare of the people who need such services and the providers who supply the services.

The proposed rules may not be filed with the Secretary of State or enforced by the Department of Alcoholism and Substance Abuse for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PEREMPTORY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Pay PlanCode Citation: 80 Ill Adm Code 310Date Originally Published in the Illinois Register: 3/3/95
19 Ill Reg 2481

At its meeting on April 18, 1995, the Joint Committee on Administrative Rules recommends that in the future the Department abstain from employing peremptory rulemaking to adopt pay classifications for statutorily created levels of pay (in this case, Arbitrators at the Illinois Industrial Commission), as Section 1-50(d) of the IAPA permits peremptory rulemaking only to implement a collective bargaining agreement or court order, not a change in statute.

Failure of the agency to respond within 90 days after receipt of the Statement of Recommendation shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Background Check of Foster Family Home ApplicantsCode Citation: 89 Ill Adm Code 380Date Originally Published in the Illinois Register: 3/24/95
19 Ill Reg 4753

At its meeting on April 18, 1995, the Joint Committee on Administrative Rules objected to Appendix A of DCFS' emergency rulemaking entitled "Background Checks of Foster Family Home Applicants" (89 Ill Adm Code 380), because Appendix A, Criminal Convictions Which Prevent Licensure, is incomplete, in violation of Section 4.1 of the Child Care Act of 1969 requirement that any serious criminal conviction under the Criminal Code of 1961 serves as a bar to receipt of a child care facility license or permit. Several crimes were omitted that should be included in the list and others were incorrectly labeled.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: Public Schools Evaluation, Recognition and Supervision

Code Citation: 23 Ill Adm Code 1

Date Originally Published in the Illinois Register: 3/31/95
19 Ill Reg 5317

At its meeting on April 18, 1995, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommends that when the State Board of Education adopts the permanent rules for this program, it place the guidelines for filing an appeal of a SBE denial of waiver/modification of a regulatory mandate in these rules as well as in the denial letter.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Property Tax Code

Code Citation: 86 Ill Adm Code 2476

Date Originally Published in the Illinois Register: 3/3/95
19 Ill Reg 2476

At its meeting on April 18, 1995, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommends that the Department of Revenue modify its companion permanent rulemaking (19 Ill Reg 2394) to reflect the intent of the underlying statute, as specified in Section 15-172(c) of the Property Tax Code and as indicated in the legislative history of PA 88-669, that the Department, and not local assessment officials, is to perform verification procedures.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Department of Public Aid, Reimbursement
for Nursing Costs for Geriatric
Facilities (89 Ill Adm Code 147)

JCAR
Meeting

Meeting

5/23/95

5/23/95

5/23/95
52

5/23/95

5/23/95

5/23/95

5/23/95

Department of Public Aid, Reimbursement
for Nursing Costs for Geriatric
Facilities (89 Ill Adm Code 147)

Illinois Student Assistance Commission,
General Provisions (23 Ill Adm Code
2700)

Illinois Student Assistance Commission,
Federal Family Education Loan Program
(FFELP) (89 Ill Adm Code 2720)

Illinois Student Assistance Commission,
Monetary Award Program (MAP) (23 Ill Adm
Code 2735)

Robert C. Byrd Honors Scholarship
Program (23 Ill Adm Code 2755)

Illinois Student Assistance Commission,
State Scholar Program (23 Ill Adm Code
2760)

Illinois Student Assistance Commission,
Paul Douglas Teacher Scholarship Program
(23 Ill Adm Code 2762)

Illinois Student Assistance Commission,
Minority Teachers of Illinois (MTI)
Scholarship Program (23 Ill Adm Code
2763)

Illinois Student Assistance Commission,
Illinois Special Education Teacher
Tuition Waiver Program (23 Ill Adm Code
2765)

Illinois Student Assistance Commission,
Christa McAuliffe Fellowship Program (23
Ill Adm Code 2766)

Illinois Student Assistance Commission,
College Savings Bond Bonus Incentive
Grant (BIG) Program (89 Ill Adm Code
2771)

2/17/95
19 Ill Reg
1730

1/27/95
19 Ill Reg
883

11/27/95
19 Ill Reg
861

11/27/95
119 Ill Reg
903

2/10/95
19 Ill Reg
1288

1/27/95
19 Ill Reg
920

1/27/95
19 Ill Reg
912

1/27/95
19 Ill Reg
894

2/10/95
19 Ill Reg
1281

2/10/95
19 Ill Reg
1275

1/27/95
19 Ill Reg
852

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/7/95	Department of Central Management Services, State of Illinois Dependent Care Assistance Plan (80 Ill Adm Code 2110)	1/27/95 19 Ill Reg 774	5/23/95
6/7/95	Department of Central Management Services, State of Illinois Medical Care Assistance Plan (80 Ill Adm Code 2120)	1/27/95 19 Ill Reg 779	5/23/95

EXECUTIVE ORDER

95-3

AMENDMENT TO EXECUTIVE ORDER NUMBER EIGHT (1994)

Whereas, Executive Order Number Eight (1994), dated October 26, 1994, created the Illinois State Justice Commission; and

Whereas, Executive Order Number Eight (1994) provides that the Illinois State Justice Commission shall have 21 members; and

Whereas, Executive Order Number Eight (1994) provides that the Illinois State Justice Commission shall release an interim report by July 31, 1995, and a final report by December 31, 1995; and

Whereas, the Illinois State Justice Commission has requested that I add appointed and ex officio members to the Illinois State Justice Commission to assure a comprehensive examination of the Illinois judicial system; and

Whereas, the Illinois State Justice Commission has requested that it be allowed additional time to release its reports;

Therefore, I, Jim Edgar, order the following:

I. AMENDMENT TO SECTION II OF EXECUTIVE ORDER NUMBER EIGHT (1994)

Section II.D. of Executive Order Number Eight (1994) shall be replaced by:

"D. to release an interim report to the Governor and to members of the General Assembly by September 30, 1995, and a final report by June 30, 1996."

II. AMENDMENT TO SECTION III OF EXECUTIVE ORDER NUMBER EIGHT (1994)

Section III.A. of Executive Order Number Eight (1994) shall be replaced by:

"A. The Commission shall consist of 23 members appointed by the Governor."

Section III.D. of Executive Order Number Eight (1994) shall be replaced by:

"D. Ex officio members of the Commission shall include the Director of the Illinois Department of Corrections, the Director of the Illinois State Police, the Director of the Department of Public Aid, the Director of the Department of Children and Family Services, the Executive Director of the Illinois Criminal Justice Information Authority, and the Chief Legal Counsel to the Governor."

III. EFFECTIVE DATE

This Executive Order Number Three (1995) shall be effective upon filing the Secretary of State.

Issued by the Governor April 11, 1995.

Filed by the Secretary of State April 20, 1995.

PROCLAMATIONS

95-171

BUSINESS CONTINUITY WEEK

Whereas, Comdisco Disaster Recovery Services, founded in 1980 and headquartered in Rosemont, Illinois, is the world's largest and most experienced provider of business continuity services with facilities in North America, France, and Great Britain; and

Whereas, Comdisco Disaster Recovery Services supported its customers during such disasters as the Midwest flooding of '93 and the Great Chicago Flood of '92; and

Whereas, Solutions '95, "Business Continuity By Design," Comdisco Disaster Recovery Services' 15th annual customer conference being held April 19-22, 1995, is designed to provide Comdisco customers with a unique opportunity to learn about the industry's latest challenges, trends, and business continuity success stories, and will be attended by customers from across North America and around the world to fine tune and evolve their business continuity programs; and

Whereas, Comdisco Disaster Recovery Services' customers span a wide range of industries including banking and financial services, manufacturing, retail, communications, insurance, and health care. Their Business Recovery Coordinators are dedicated to the development and testing of their business continuity plans to ensure the continued business functions of their companies at the time of disaster;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-22, 1995, as BUSINESS CONTINUITY WEEK in Illinois.

Issued by the Governor April 3, 1995.

Filed by the Secretary of State April 6, 1995.

95-172

CHILDREN'S MENTAL HEALTH WEEK

Whereas, one in 20 children and adolescents in Illinois develop an emotional, behavioral, or neurological disability; and

Whereas, the causes of these disabilities are rooted in genetic predisposition, inadequate nurturing and medical care, and threatening and impoverished living conditions; and

Whereas, the members of the community need information and understanding of these disabilities and their causes; and

Whereas, the cost to these children, their families, and the community are exorbitant in dollars, lost potential, and heartache; and

Whereas, there are many adults -- parents, grandparents, neighbors, friends, counselors, teachers, clergymen, and businessmen -- who can contribute to better outcomes for the youth of our state; and

Whereas, it is essential that these adults have access to education, information, and training in raising mentally healthy children; and

Whereas, our future lies in the hands of our children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-8, 1995, as CHILDREN'S MENTAL HEALTH WEEK in Illinois.

Issued by the Governor April 3, 1995.

Filed by the Secretary of State April 6, 1995.

95-173

EMERGENCY MEDICAL SERVICES WEEK

Whereas, emergency medical services (EMS) embodies the true concept of teamwork by recognizing the interdependent relationship of trauma centers, EM resource hospitals, ambulance services, emergency/trauma physicians, emergency nurses, emergency medical technicians (EMTs), EMT-paramedics, EMT-intermediates, field RNs, mobile intensive care nurses, trauma nurse specialists, emergency dispatchers, and first responders who are dedicated to saving lives; and

Whereas, in Illinois, 58 EMS resource hospitals, more than 22,000 EMTs, and 6,000 paramedics selflessly provide 24-hour service to the people of our state; and

Whereas, this year's national theme "EMS: We're There for Life," underlines the symbolism of the Star of Life insignia on EMS vehicles and illustrates the relationship of all EMS personnel;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14-20, 1995, as EMERGENCY MEDICAL SERVICES WEEK in Illinois and commend all individuals involved in emergency medical services.

Issued by the Governor April 3, 1995.

Filed by the Secretary of State April 6, 1995.

95-174

HAROLD WASHINGTON DAY

Whereas, Harold Washington served as a state representative from 1965 to 1977. During that time, he was principle author of many bills, including the Consumer Credit Reform Act, 1965; the Witness Protection Act, 1972; and the Dr. Martin Luther King, Jr. Holiday Act, 1972; and

Whereas, Harold Washington served as a state senator from 1977 to 1980;

and Whereas, from 1980 to 1983, he held a congressional office and was influential in garnering support for the amendment to the Voting Rights Act;

and Whereas, Harold Washington's messages inspired people in all communities;

and Whereas, the Chicago Public Library is sponsoring the fourth annual commemorative birthday celebration in honor of Harold Washington with the program theme "Harold Washington - A Man With A Vision;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15, 1995, as HAROLD WASHINGTON DAY in Illinois.

Issued by the Governor April 3, 1995.

Filed by the Secretary of State April 6, 1995.

95-174

HAROLD WASHINGTON DAY

(Revised)

Whereas, Harold Washington served as a state representative from 1965 to 1977. During that time, he was principle author of many bills, including the Consumer Credit Reform Act, 1965; the Witness Protection Act, 1972; and the Dr.

Martin Luther King, Jr. Holiday Act, 1972; and

scholarship among two-year college students. To achieve this purpose, Phi Theta Kappa provides an opportunity for the development of leadership and service, for an intellectual climate for exchange of ideas and ideals, for lively fellowship for scholars, and for stimulation of interest in continuing academic excellence; and

Whereas, through dynamic leadership, Phi Theta Kappa has grown from eight chapters in 1918 to more than 1,100 in 1995; and

Whereas, there are 58 chapters of Phi Theta Kappa at two-year colleges and four alumni chapters at senior institutions in the State of Illinois; and

Whereas, Rho Kappa Chapter of Elgin Community College was named a 1994 Distinguished Chapter and Mu Pi Chapter of Harold Washington College was recognized as a Beta Alpha Continued Excellence Award winner in 1994; and

Whereas, the State of Illinois in cooperation with the Illinois Community College System has joined Phi Theta Kappa as a "Partner for Excellence" and has established 44 transfer scholarships designated for Phi Theta Kappa members to benefit our students, our institutions, our state, and our society; and

Whereas, Phi Theta Kappa will hold its 77th Annual International Convention at the Chicago Hilton and Towers and the Auditorium Theater in Chicago, Illinois, on April 6-8, 1995; and

Whereas, Phi Theta Kappa is celebrating 77 years of leadership in higher education in 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-8, 1995, as PHI THETA KAPPA DAY in Illinois.

Issued by the Governor April 3, 1995.
Filed by the Secretary of State April 6, 1995.

95-177
TELECOMMUNICATOR WEEK

Whereas, public safety telecommunicators, specialists in operating state-of-the-art radio and computer aided communications systems, are a cornerstone of the public safety community; and

Whereas, every hour of every day telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and success of public safety goals; and

Whereas, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property, and individual rights of the citizens of the State of Illinois; and

Whereas, it is appropriate that we demonstrate our appreciation of their knowledge, training, service, and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 9-15, 1995, as TELECOMMUNICATOR WEEK in Illinois in recognition of the vital contributions telecommunicators make to the safety and well-being of our citizens.

Issued by the Governor April 3, 1995.
Filed by the Secretary of State April 6, 1995.

95-178
RP AWARENESS DAY

Whereas, Retinitis Pigmentosa (RP) is the largest source of internally caused blindness and deaf-blindness in the world today; and

Whereas, the purpose of Phi Theta Kappa is to recognize and encourage

Whereas, Harold Washington served as a state senator from 1977 to 1980; and

Whereas, from 1980 to 1983, he held a congressional office and was influential in garnering support for the amendment to the Voting Rights Act; and

Whereas, from 1983 to his untimely death in 1987, Harold Washington served as the Mayor of Chicago; and

Whereas, Harold Washington's messages inspired people in all communities; and

Whereas, the Chicago Public Library is sponsoring the fourth annual commemorative birthday celebration in honor of Harold Washington with the program theme "Harold Washington - A Man With A Vision;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15, 1995, as HAROLD WASHINGTON DAY in Illinois.

Issued by the Governor April 3, 1995.
Filed by the Secretary of State April 20, 1995.

95-175
HONORING ALLIED HEALTH CARE PROFESSIONALS: A FORCE FOR THE FUTURE DAY

Whereas, Chicago is recognized worldwide as a resource for medical care where thousands of people visit each year seeking state-of-the-art medical treatment; and

Whereas, allied health care professionals, serving in Chicago- area hospitals, are essential to the delivery of quality health care, serving as medical laboratory technicians, health information management personnel, social workers, occupational therapists, pharmacists, and radiation therapists; and

Whereas, advancing technology and the introduction of a community health information network in the Chicago area will mean that allied health care professionals will be a major force as health care delivery enters the 21st century; and

Whereas, the more than 100 area hospitals and health care organizations that comprise the Metropolitan Chicago Healthcare Council wish to express their thanks and appreciation to allied health professionals for their commitment and their contributions to the health and welfare of the people of the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16, 1995, as HONORING ALLIED HEALTH CARE PROFESSIONALS: A FORCE FOR THE FUTURE DAY in Illinois and urge all residents to recognize the valuable achievements of allied health care professionals.

Issued by the Governor April 3, 1995.
Filed by the Secretary of State April 6, 1995.

95-176
PHI THETA KAPPA DAY

Whereas, Phi Theta Kappa is the only internationally acclaimed honor society serving institutions that offer associate degree programs; and

Whereas, Phi Theta Kappa is recognized by the American Association of Community Colleges as the official honor society for two-year colleges; and

Whereas, the purpose of Phi Theta Kappa is to recognize and encourage

Whereas, RP is a hereditary blinding eye disease which affects more than 500,000 people in the United States, including at least 25,000 Illinoisans; and Whereas, to help combat Retinitis Pigmentosa and allied retinal degenerative diseases, the PR Foundation Fighting Blindness seeks to raise public awareness and the continued strong support of scientific research for the betterment of the hundreds of thousands of people who are afflicted by this disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1995, as RP AWARENESS DAY in Illinois, and I urge all citizens of this state to lend whatever support they can to this most important endeavor.

Issued by the Governor April 4, 1995.

Filed by the Secretary of State April 6, 1995.

95-179 SAFE KIDS WEEK

Whereas, the leading cause of death for Illinois children ages one to 14 is unintentional injuries, and an additional 1,000 children are permanently disabled yearly; and

Whereas, these injuries are frequently referred to as "accidents," these tragedies are often predictable and preventable; and

Whereas, the National SAFE KIDS Campaign works to promote childhood injury awareness through educational efforts and new technologies; and

Whereas, the Illinois SAFE KIDS Coalition has worked to reduce unintentional childhood injuries by promoting activities such as smoke detector distribution, seat belt awareness, bicycle helmet campaigns, bicycle rodeos, and other grassroots safety education events; and

Whereas, the Illinois SAFE KIDS Coalition -- represented by the Illinois Departments of Public Health, Transportation, Rehabilitation Services, Children and Family Services, Public Aid, and State Police, Secretary of State, State Board of Education, State Fire Marshal, Southern Illinois University School of Medicine, University of Illinois at Chicago, local coalitions and chapters -- has dedicated its efforts to reducing unintentional childhood injuries; and

Whereas, the National SAFE KIDS Campaign founding sponsor Johnson & Johnson and Illinois-based Bell Sports, Inc., and BRK/First Alert, Inc., have demonstrated corporate responsibility by committing resources to the reduction of unintentional childhood injuries, most notable the National SAFE KIDS Week '95 Check America campaign activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-13, 1995, as SAFE KIDS WEEK in Illinois and urge all Illinoisans to support the efforts and activities of the Illinois SAFE KIDS Coalition to prevent unintentional childhood injury.

Issued by the Governor April 4, 1995.

Filed by the Secretary of State April 6, 1995.

95-180 SECRETARIES WEEK

Whereas, hospital secretaries are instrumental in maintaining hospitals as dependable institutions devoted to high-quality patient care; and

Whereas, the professionalism and leadership of these secretaries enhance the hospitals in our state; and

Whereas, we should acknowledge the role of hospital secretaries who usually work behind the scenes; and

Whereas, a need exists to attract competent, qualified, and dedicated people to serve in health care institutions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as SECRETARIES WEEK in Illinois in recognition of the contributions these hard-working individuals make to our hospital community.

Issued by the Governor April 4, 1995.

Filed by the Secretary of State April 6, 1995.

95-181

PROBATION OFFICER DAY

Whereas, Illinois statutes provide that there shall be full-time probation services for all counties to provide a continuum of sanctions to increase sentencing options to the judiciary of the state; and

Whereas, the continuum of sanctions provided by Illinois probation for adult and juvenile offenders includes intensive supervision, home confinement, and electronic monitoring among many others; and

Whereas, approximately 100,000 adults and juvenile offenders are currently sentenced to such continuum of sanctions and are receiving active probation supervision; and

Whereas, 2,200 dedicated probation and court services officers supervise these adult and juvenile offenders in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12, 1995, as PROBATION OFFICER DAY in Illinois in honor of these dedicated professionals.

Issued by the Governor April 4, 1995.

Filed by the Secretary of State April 20, 1995.

95-182

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute our nation's number one disability; and

Whereas, 24 million Americans -- about 10 percent of our population -- and 1.1 million Illinoisans have speech, language, or hearing impairments that may affect their educational, vocational, personal, and social functions; and

Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

Whereas, the first step toward obtaining help is knowing it is available; and

Whereas, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as BETTER HEARING AND SPEECH MONTH in Illinois.

Issued by the Governor April 7, 1995.

Filed by the Secretary of State April 20, 1995.

95-183

GROUNDWATER PROTECTION MONTH

Whereas, half of Illinois' citizens, three-fourths of Illinois' community water supply systems, more than nine-tenths of rural residents, and a significant number of Illinois' industries rely on groundwater; and

Whereas, thousands of abandoned wells and borings in Illinois represent a safety hazard, particularly to children, and a water-quality threat by potentially routing contaminants directly to groundwater; and

Whereas, landowners can prevent groundwater contamination, reduce the possibility of needless accidents, reduce their exposure to liability, and increase the value of their property by properly sealing abandoned wells; and

Whereas, recent surveys of water quality in private Illinois wells have identified coliform bacteria, nitrates, and pesticides as problems; and

Whereas, more than 100 well sealing demonstrations have been conducted throughout Illinois by local sponsors with state and federal agencies providing cost-sharing for such demonstrations; and

Whereas, the Illinois Water Well Sealing Coalition, comprising 10 Illinois associations and six agency advisors, has provided excellent leadership through their educational campaign to convince Illinois citizens, businesses, industries, and local and state governments to protect public safety and groundwater resources through proper well sealing methods;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as GROUNDWATER PROTECTION MONTH in Illinois. During this month and throughout the year, I encourage all Illinois citizens, businesses, industries, and governments to take appropriate actions to protect and manage Illinois groundwater resources. These actions include following the recently updated Illinois Water Well Construction Code when constructing or upgrading water wells. I further encourage all landowners to assess their risks and conscientiously fulfill their responsibilities to protect public health and safety by properly sealing any abandoned wells on their property.

Issued by the Governor April 7, 1995.

Filed by the Secretary of State April 20, 1995.

95-184

MEDICAL LABORATORY WEEK

Whereas, there are more than 265,000 laboratory personnel, including pathologists, medical technologists, medical laboratory scientists, specialists, and technicians, at work in almost 40,000 hospitals and independent laboratories in the United States; and

Whereas, these highly trained and dedicated health professionals make an invaluable contribution to quality health care and save countless lives each day by providing reliable laboratory test results required for the prevention, detection, diagnosis, and treatment of disease; and

Whereas, laboratory medicine is an honorable profession which should be recognized by all individuals as vital to the high standards of health care enjoyed in the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-22, 1995, as MEDICAL LABORATORY WEEK in Illinois.

Issued by the Governor April 7, 1995.

Filed by the Secretary of State April 20, 1995.

95-185

STANLEY O. IKENBERRY DAY

Whereas, Stanley O. Ikenberry has proudly served as the 14th University of Illinois president since 1979; and

Whereas, among Ikenberry's most notable associations were his position as Big Ten Conference president in 1979 and his dedicated membership as a top ten member in the Association of American Universities; and

Whereas, Ikenberry's vision of quality and development have led the university to new heights. The University of Illinois at Chicago was created in 1982, the Beckman Institute for Advanced Science and Technology at the Urbana-Champaign campus was created in 1986, undergraduate and graduate minority enrollments have expanded on both campuses, sponsored research at the two campuses grew from \$167 million 10 years ago to more than \$313 million in Fiscal 1993, the University of Illinois at Springfield is in the process of becoming a reality, and these are only the highlights of his prestigious career at the university; and

Whereas, Ikenberry has distinguished himself as an outstanding president and created a world-class university offering students a complete and balanced education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12, 1995, as STANLEY O. IKENBERRY DAY in Illinois in honor of his many years of hard work and dedication to the University of Illinois.

Issued by the Governor April 7, 1995.

Filed by the Secretary of State April 20, 1995.

95-186

DRINKING WATER WEEK

Whereas, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort, and standard of living; and

Whereas, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

Whereas, through its dedication to advanced knowledge of design, operation, and management of water utilities, the association strives to continue providing better water for everyone -- when and where they need it;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7-13, 1995, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued by the Governor April 10, 1995.

Filed by the Secretary of State April 20, 1995.

95-187

FOSTER PARENT APPRECIATION MONTH

Whereas, to foster means to nourish, cherish, and encourage, which is what

nation have been ROTC members; and
Whereas, the ROTC is one of the most respected organizations in our country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-22, 1995, as ARMY ROTC WEEK in Illinois in recognition of the graduates of this outstanding program.

Issued by the Governor April 11, 1995.
Filed by the Secretary of State April 20, 1995.

**95-190
BEN A. TRUSE DAY**

Whereas, Mr. Ben A. Truse will celebrate his 100th birthday on April 17, 1995; and

Whereas, Ben was born in Chicago in 1895 and has lived in the city all his life; and

Whereas, Ben served our country in World War I and during his military service trained as a machinist which started his career. He has owned several businesses as well as commercial and residential properties in Chicago; and

Whereas, on April 12, 1921, Ben married Verna and they had two children, Clifford and Rita, who gave them two grandchildren; and

Whereas, Ben and Verna still happily reside at their Chicago residence; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 17, 1995, as BEN A. TRUSE DAY in Illinois in honor of his 100th birthday.

Issued by the Governor April 11, 1995.
Filed by the Secretary of State April 20, 1995.

**95-191
CHICAGO MASS CHOIR DAY**

Whereas, the Chicago Mass Choir will host its annual session at Cosmopolitan Church- Holiness on Saturday, May 6, 1995; and

Whereas, the Chicago Mass Choir, founded by James C. Chambers in 1988, is a Chicago-based organization geared toward upgrading the performance, quality, and music administration of various music organizations, choirs, musicians, songwriters, and singers; and

Whereas, over the past six years, the Chicago Mass Choir has lived up to its motto: "Committed to Achieve Excellence";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6, 1995, as CHICAGO MASS CHOIR DAY in Illinois in honor of their continuing effort to educate the young and preserve music as an art form.

Issued by the Governor April 11, 1995.
Filed by the Secretary of State April 20, 1995.

**95-192
MANUFACTURED HOUSING MONTH**

Whereas, housing affordability is a major concern for all the citizens of the State of Illinois; and

Whereas, innovative construction methods, attractive financing, and a desire for quality housing have increased the demand for manufactured homes; and

foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

Whereas, more than 38,000 children in Illinois, a significant number of which are African-American or Hispanic, need appropriate foster care; and

Whereas, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, understanding, and compassion, as well as educational and health care services; and

Whereas, thousands of adults in Illinois have volunteered to be substitute parents through the Foster Parents Program, and their contributions to the welfare of our children are incalculable and irreplaceable;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor April 10, 1995.
Filed by the Secretary of State April 20, 1995.

**95-188
TUFTONIA'S WEEK**

Whereas, Tufts University, founded in 1852, is devoted to scholarship of the highest order and teaching of exacting quality; and

Whereas, Tufts University, comprised of the College of Arts and Sciences, Jackson College, College of Engineering, Boston School of Occupational Therapy, Graduate School, School of Medicine, School of Dental Medicine, Sackler School of Biomedical Sciences, School of Nutrition, School of Veterinary Medicine, and Fletcher School of Law and Diplomacy, has educated 913 residents of the State of Illinois who contribute to the economic and cultural life of the region; and

Whereas, TuftServe is an initiative of the Tufts University Office of Alumni Relations to celebrate alumni leadership and engagement in myriad forms of volunteer community service; and

Whereas, Tufts University and its graduates throughout the world are celebrating the 11th Anniversary of Tuftonia's Week, a time to thank Tufts and to reflect honor on Tufts through alumni participation in TuftServe;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-22, 1995, as TUFTONIA'S WEEK in Illinois and urge all my fellow citizens to join me in recognizing the achievements of Tufts University in contributing to the quality of life in our state.

Issued by the Governor April 10, 1995.
Filed by the Secretary of State April 20, 1995.

**95-189
ARMY ROTC WEEK**

Whereas, the Army Reserve Officers' Training Corps (ROTC) provides exceptional leadership instruction at nine of our state's leading colleges and universities; and

Whereas, the ROTC's purpose is to develop selected men and women for positions of responsibility as officers in the active Army, Army National Guard, and Army Reserve; and

Whereas, the efficiency and vitality of our military depends to a great extent upon the high caliber of young officer accessions, more than half of whom are obtained each year through the ROTC program; and

Whereas, many civilian and government leaders in our state and in our

Whereas, at approximately one-half the cost of site-built housing, manufactured housing offers a safe, attractive, and affordable avenue to home ownership for Illinois residents; and

Whereas, the Illinois Manufactured Housing Association continues to focus the attention of the citizens of this state on innovative land planning, product technology, community development, and consumer awareness; and

Whereas, as an integral part of the housing needs of the state that can no longer be overlooked by local governments, the association continues to focus the attention of local and state governments, as well as that of the consumer, on the pioneering and ever expanding efforts of the manufactured housing industry to assume its role in the affordable housing solution and the desirability of this type of home ownership during May;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as MANUFACTURED HOUSING MONTH in Illinois and I encourage the furtherance of innovative housing concepts for the benefit and comfort of our citizens.

Issued by the Governor April 11, 1995.

Filed by the Secretary of State April 20, 1995.

95-193

D.A.R.E. DAY

Whereas, D.A.R.E. (Drug Abuse Resistance Education) is the largest drug abuse prevention education program in the United States and has now been taught to more than 30 million children in kindergarten through the 12th grade; and

Whereas, D.A.R.E. is a cooperative effort among law enforcement officials, the educational system, and the community, which provides students accurate information about alcohol and drugs, enhances students' decision-making skills, informs them of the consequences of their behavior, and builds students' self-esteem while encouraging them to resist peer pressure; and

Whereas, D.A.R.E. provides parents important information and detailed guidance to further their children's development and to reinforce their decisions to lead drug-free lives; and

Whereas, the D.A.R.E. core curriculum now emphasizes the importance of resolving conflicts without the use of violence and provides young people with a better understanding of the consequences they face when joining gangs and participating in acts of violence; and

Whereas, D.A.R.E. is now taught in Illinois by more than 700 experienced and accomplished D.A.R.E. officers in more than 2,400 classrooms, reaching some 150,000 fifth and sixth grade students annually; and

Whereas, D.A.R.E. is celebrating its 12th anniversary this year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20, 1995, as D.A.R.E. DAY in Illinois in recognition of the significant role this program plays in the well-being of our future generations.

Issued by the Governor April 12, 1995.

Filed by the Secretary of State April 20, 1995.

95-194

PREVENTION OF CHILD ABUSE WEEK

Whereas, the Independent Order of Foresters was founded in 1874 and is one of the oldest and largest fraternal benefit societies in the world, with more than one million members; and

Whereas, they have dedicated themselves to the preservation of family life; and

Whereas, the National Center for the Prevention of Child Abuse estimates that more than three million children will be victims of maltreatment this year; and

Whereas, one of the Foresters' main goals has been to prevent child abuse, and to accomplish this they began the Child Abuse Fund in 1975, which has contributed cash grants to agencies across the US and Canada;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-22, 1995, as PREVENTION OF CHILD ABUSE WEEK in Illinois.

Issued by the Governor April 12, 1995.

Filed by the Secretary of State April 20, 1995.

95-195

CANCER PAIN AWARENESS DAY

Whereas, the Illinois Cancer Pain Initiative (ICPI) was established as a not-for-profit corporation to inform the public that cancer pain can be relieved and that relief should be a reasonable expectation; and

Whereas, ICPI seeks to improve the treatment of cancer pain by reducing the educational, regulatory, and economic barriers within the state; and

Whereas, the organization is promoting the observance of Illinois Cancer Pain Awareness Day, April 21, 1995, to coincide with the Cancer Pain Role Model Conference, April 22, 1995, to be held in St. Louis, Missouri;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21, 1995, as CANCER PAIN AWARENESS DAY in Illinois.

Issued by the Governor April 13, 1995.

Filed by the Secretary of State April 20, 1995.

95-196

JOHN H. STROGER, JR. DAY

Whereas, John H. Stroger, Jr. was born in Arkansas during the Great Depression and eventually worked his way through college; and

Whereas, Mr. Stroger returned to school to complete law school at DePaul University after beginning a family; and

Whereas, he has an unmatched history of more than 20 years in public service, leadership, and innovative planning; and

Whereas, he was first elected in 1970 as a Commissioner of the Cook County Board and has chaired every major committee; and

Whereas, he attained the presidency of the National Association of Counties where he was the principal spokesperson for county government in the United States; and

Whereas, John Stroger was appointed by President Bill Clinton to the President's Advisory Commission on Intergovernmental Relations; and

Whereas, as Commissioner of the Cook County Board, he has sponsored and supported many important pieces of legislation and ordinances for the constituents of Cook County; and

Whereas, he has developed a comprehensive plan to fight crime and take back the communities from gangs and gang violence; and

Whereas, he has continued to work to cut costs in county government and make local government more efficient; and

Whereas, John Stroger is a hard working and dedicated public servant, leader, volunteer, and family man and is committed to improving the quality of life for all residents in Cook County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20, 1995, as JOHN H. STROGER, JR. DAY in Illinois.

Issued by the Governor April 13, 1995.

Filed by the Secretary of State April 20, 1995.

95-197

SOUTHERN ILLINOIS UNIVERSITY AT EDWARDSVILLE WIND SYMPHONY DAY

Whereas, the Southern Illinois University at Edwardsville Wind Symphony will perform at Carnegie Hall in New York City; and

Whereas, the SIUE Wind Symphony and the SIUE Department of Music has long been recognized as a leader in music teaching and performing in southern Illinois; and

Whereas, in February 1994, the Wind Symphony was selected by juried taped audition to perform in Omaha, Nebraska, at the North Central Division of the College Band Directors National Association; and

Whereas, the Wind Symphony has received numerous compliments from various Directors of Bands throughout the United States for their skills and accomplishments in the field of music; and

Whereas, the Southern Illinois University at Edwardsville Wind Symphony has presented five world premiers in the past five years and will present two world premiers on the concert in Carnegie Hall;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 13, 1995, as SOUTHERN ILLINOIS UNIVERSITY AT EDWARDSVILLE WIND SYMPHONY DAY in Illinois.

Issued by the Governor April 13, 1995.

Filed by the Secretary of State April 20, 1995.

95-198

WOMEN LEGISLATORS DAY

Whereas, the National Foundation for Women Legislators is a non-partisan, educational organization that aims to provide a stepping stone for women state legislators as they become comfortable in positions of leadership and authority; and

Whereas, 100 years ago, Clara Cressingham, Carrie C. Holly, and Frances S. Klock became the first women to serve as legislators; and

Whereas, these three women were elected to represent the people of Colorado 25 years before women's suffrage in the United States; and

Whereas, Lottie Holman O'Neill, elected in 1922, was the first woman legislator in the State of Illinois. Lottie served in the House from 1923-1931 and 1933-1951 and served in the Senate from 1951-1963; and

Whereas, since these historical events, many other women legislators have served their states with diligence and enthusiasm;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18, 1995, as WOMEN LEGISLATORS DAY in Illinois in recognition of the 100th year of women as state legislators.

Issued by the Governor April 13, 1995.

Filed by the Secretary of State April 20, 1995.

95-199

CORDELL REED DAY

Whereas, Cordell Reed, Senior Vice President of the Commonwealth Edison Company, will be honored as the 1994 Chicagoan of the Year by Frontiers International-Chicago; and

Whereas, Frontiers International-Chicago presents this award annually to an individual who has made outstanding contributions to help uplift the lives of Chicago citizens; and

Whereas, Cordell Reed is honored for his lifetime commitment to inner-city Chicago, specifically efforts to improve opportunities for young people and families who live in the Ida B. Wells Housing Development where he grew up; and

Whereas, Mr. Reed has been a leader in his community through serving on the Boards of Trustees of the Abraham Lincoln Centre and the Metropolitan Community Church, as founding president of the Metropolitan Community Foundation, and as president of the Board of Directors of Cal-Met Village, a nonprofit management organization; and

Whereas, in support of the educational development of young people living in Ida B. Wells, he serves on the Board of Directors and is a sponsor for the LINK program which pays tuition of African American students to attend a Catholic high school; and

Whereas, he has received the University of Illinois' "Alumni Honor Award for Distinguished Service in Engineering", the Black Engineer of the Year Awards' "Lifetime Achievement Award", and the American Nuclear Society Tommy Thompson Award; and

Whereas, he has devoted his career to Commonwealth Edison, beginning in 1960 and reaching the Senior Vice President title nearly 30 years later;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1995, as CORDELL REED DAY in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-200

CPA WEEK

Whereas, Certified Public Accountants (CPAs) render valuable services to the public and strive to maintain the highest standards of objectivity and integrity; and

Whereas, the Illinois CPA Society represents more than 25,000 CPAs in industry, government, education, and public accounting practices; and

Whereas, the Illinois CPA Society hosts its State of the CPA Professional Day, which is the largest gathering of financial and business leaders in Illinois and provides a unique educational service to the profession and the business community; and

Whereas, the Second Inaugural State of the CPA Profession Day will be held in Rosemont, Illinois, at the Hyatt O'Hare on May 19, 1995; and

Whereas, CPAs throughout Illinois will be providing public service programs for the business community, especially for nonprofit organizations, as well as other individuals, during the week of May 15-19; and

Whereas, CPA Week demonstrates and celebrates the diversity of CPAs and recognizes the CPA's important role in and contribution to the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May

15-19, 1995, as CPA WEEK in Illinois in recognition of the important contributions made by CPAs and the Illinois CPA Society to the financial integrity and well-being of businesses, government, and individuals in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-201

DR. JAMES H. GRIFFITH DAY

Whereas, Dr. James H. Griffith will be celebrating 25 years of service on the Prairie State College Board of Trustees; and

Whereas, he has a great concern for the students, faculty, and staff at Prairie State College and throughout Illinois; and

Whereas, Dr. Griffith was chairman of the Board of Trustees for six years and also served as Vice-Chairman and Secretary; and

Whereas, he has been a member of the Illinois Community College Trustee Association since its inception in 1971 and has held every major office within the organization; and

Whereas, Dr. Griffith has a long and distinguished history working for the betterment of higher education at Prairie State College and throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 17, 1995 as DR. JAMES H. GRIFFITH DAY in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-202

ELEANOR CAVANAGH DAY

Whereas, Eleanor Cavanagh, born April 29, 1920, was married to her husband, William, for 42 years, moving with him from town to town and state to state as he pursued his careers as an FBI agent, State Representative in the State of Illinois, and a labor lawyer; and

Whereas, she faithfully cared for her husband while he was sick, maintained a household, and provided for her children; and

Whereas, Eleanor raised, love, cared for, and nurtured their nine children, Anne, Mary, Susan, Bill, Tom, Bob, Pat, Maureen, and Katy; and

Whereas, Eleanor has been blessed with 19 grandchildren, including the most recent -- a set of triplets; and

Whereas, she has been a devoted catholic and is a loyal member of St. Agnes Parish in Springfield; and

Whereas, Eleanor was ordained as a Eucharistic Minister of the Catholic Church and now delivers communion to hospital patients who are too sick to attend church; and

Whereas, Eleanor has been a strong supporter of her husband; the careers of several sons who have pursued political careers on township and park boards; a daughter who has worked for Presidents Reagan and Bush, as well as U.S. congressman; another who worked for Governor Thompson; another who worked for the House Republicans in Illinois, as did her husband; a son-in-law that was a U.S. congressman; a son-in-law who works as the Governor's Director of Scheduling; and several son-in-laws who are Republican precinct committeemen;

and Whereas, she has served as a role model for all seniors by displaying the enthusiasm and energy of a teen, regularly swimming and playing tennis, as well as baby-sitting for all her grandchildren, including the new triplets; and

Whereas, Eleanor Cavanagh is celebrating her 75th birthday on April 29 with her family and friends;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29, 1995, as ELEANOR CAVANAGH DAY in Illinois in recognition of this special day.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-203

MISS NAOMI POLTROCK DAY

Whereas, Miss Naomi Poltrock has been an inspirational and dedicated teacher at Bryon Junior High School in Elmhurst, Illinois, for more than 27 years; and

Whereas, her students, past and present, her colleagues, and friends all agree that Miss Poltrock is a wonderful social studies teacher, and

Whereas, she is an individual who, day in and day out, is thoroughly prepared for her classes and each and every day puts her students through the rigors of instruction and learning in her classroom; and

Whereas, the local chapter of the Daughters of American Revolution selected Miss Poltrock as the "Outstanding Teacher of American History" and nominated her for the State Teacher of the Year Award; and

Whereas, the state chapter of the Daughters of the American Revolution selected Miss Poltrock as the State Teacher of the Year, and

Whereas, Byran Junior High is glad to have Miss Naomi Poltrock as their teacher and is proud of her accomplishments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20, 1995 as MISS POLTROCK DAY in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-204

NORTHERN ILLINOIS UNIVERSITY CHARTER CENTENNIAL DAY

Whereas, 100 years ago, on May 22, 1895, Illinois Governor John P. Altgeld signed the legislation providing for the Northern Illinois State Normal School; and

Whereas, that school, now known as Northern Illinois University, has become a major comprehensive university serving 23,000 students in the colleges of Business, Education, Engineering and Engineering Technology, Law, Liberal Arts and Sciences, Professional Studies, and Visual and Performing Arts; and

Whereas, more than 90 percent of its 150,000 alumni remain in Illinois, contributing to the state's economic, cultural, social, and civic vitality; and

Whereas, Northern Illinois University has proven itself an invaluable resource to the people of the State of Illinois over the course of the past 100 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1995, as NORTHERN ILLINOIS UNIVERSITY CHARTER CENTENNIAL DAY in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-205

BEARDSTOWN LADIES WEEK

Whereas, the members of the Beardstown Business and Professional Women's Investment Club have been investing successfully together for the last 11 years; and

Whereas, the Beardstown Ladies have often outperformed the stock market; and

Whereas, they have been named an all-star investment club by the National Association of Investors for six years; and

Whereas, they have dedicated themselves to educating others about investing and money management; and

Whereas, they have become nationally known authors with their best selling book "The Beardstown Ladies Common Sense Investment Guide"; and

Whereas, the Beardstown Ladies have starred in an award-winning video entitled "Cookin' Up Profits on Wall Street" which has been viewed by thousands of Americans; and

Whereas, the ladies continue to serve tirelessly as role models for all Americans, especially citizens of Illinois who wish to learn about investing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22-29, 1995, as THE BEARDSTOWN LADIES WEEK in Illinois.

Issued by the Governor April 14, 1995.

Filed by the Secretary of State April 20, 1995.

95-206

BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK

Whereas, modern health care relies upon machines, as well as people for the most up-to-date treatment available. Diagnostic instruments such as patient monitors, EKG machines, and laboratory and x-ray equipment help establish the need for care. Therapeutic systems such as anesthesia machines, physical therapy instruments, pacemakers, and radiation devices provide needed services to patients; and

Whereas, the cost of health care can be controlled by effective selection and repair of such medical equipment by qualified clinical engineers and biomedical technicians; and

Whereas, the clinical engineer has the level of education, experience, and competence to participate professionally with physicians, hospital administration, and other personnel in the technological aspects of health care delivery; and

Whereas, the biomedical technician installs, inspects, repairs, calibrates, and modifies medical devices and medical support systems; advises concerning theory of operation, underlying physiological principles and the practical, safe clinical application of medical devices; and may supervise biomedical equipment maintenance activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-28, 1995, as BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK in Illinois in recognition of this profession and its important role in health care.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-207

CRIME VICTIMS' RIGHTS WEEK

Whereas, one violent crime is committed in America every 16 seconds; and Whereas, with 35 million Americans victimized in the United States each year, crime victims are rapidly becoming a majority; and Whereas, crime victims play an indispensable role in bringing offenders to justice and, thus, preventing further violence; and Whereas, as a nation devoted to liberty and justice for all, America must plant the seeds of justice to protect and restore crime victims' rights; and Whereas, harvesting justice over the past two decades has been accomplished in part by the millions of survivors of crime, their families, and advocates whose commitment and spirit has persevered while confronting an increasingly violent nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as CRIME VICTIMS' RIGHTS WEEK in Illinois.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-208

EARTH DAY/EARTH AWARENESS WEEK

Whereas, Illinois will celebrate the 25th anniversary of Earth Day in its communities; and Whereas, Earth Day Illinois will initiate educational and long-term community-based programs which will ensure continued environmental quality of life during the next 25 years; and Whereas, Earth Day Illinois is committed to the process of educating people about environmental issues and turning that concern into positive action; and

Whereas, Earth Day Illinois teaches and motivates people to make daily lifestyle choices that minimize negative environmental impact and develop positive working relationships with any and all constituents; and Whereas, the State of Illinois is currently integrating long-term vision into its natural resource planning through initiatives like creating the new Department of Natural Resources and Conservation 2000; and Whereas, all citizens of the State of Illinois should be aware of and concerned with preserving the environment for future generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1995, as EARTH DAY and April 17-21, 1995, as EARTH AWARENESS WEEK in Illinois.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-209

KING AND QUEEN OF HEARTS DAY

Whereas, Variety Club International is an international organization dedicated to improving the quality of life for children who are underprivileged, abused, and have challenging conditions; and

Whereas, Variety Club of Illinois has contributed thousands of dollars to more than 6,500 children throughout the State of Illinois during the past year; and

Whereas, Patrick H. Arbor, Chairman of the Chicago Board of Trade, has taken a leading role in helping to ensure a secure future for the children of Illinois and our nation; and

Whereas, Terry Savage, renown journalist, author, and expert on business and financial issues, has made significant contributions over the years to Variety Club Children's Charities and to the well-being of future generations; and

Whereas, Variety Club of Illinois has chosen Patrick H. Arbor and Terry Savage to be honored as the King and Queen of Hearts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1995, as KING AND QUEEN OF HEARTS DAY in Illinois and urge all residents to support the Celebrity Ball in their honor.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-210

MARITIME DAY

Whereas, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

Whereas, today we honor the American Merchant marine, whose men and women served in time of war and peace, contributing to the waterborne commerce of our state and nation; and

Whereas, men and women from each of our states who are serving in the American Merchant Marine are honored on this day each year, along with the many seamen who lost their lives in the World Wars and those who served with such courage and dedication in the Korean, Vietnam, and Persian Gulf conflicts; and

Whereas, these ocean-going merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and

Whereas, the Propeller Club of the United States, with 63 member clubs throughout the country, annually take time to celebrate this day with a variety of functions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1995, as MARITIME DAY in Illinois.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-211

MINISTER RICHARD O. GOLDSBY DAY

Whereas, Minister Richard O. Goldsby is the third of five children born to Mr. and Mrs. Azariah Goldsby; and

Whereas, he was raised in a religious home by parents who believed in the importance of the church in the lives of their children; and

Whereas, in 1982, he completed his high school education at Fenger and later developed strong carpentry skills; and

Whereas, with his parents he attended Prayer Band Pentecostal where he

received the gift to play the organ and drums under the leadership of Pastor Eddie Williams; and

Whereas, since learning to play the organ, he has performed for various churches, groups, and renowned gospel soloists; and

Whereas, his desire and goal is to help the less fortunate by providing them with food, clothing, and housing to produce upcoming musicians and singers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1995, as MINISTER RICHARD O. GOLDSBY DAY in Illinois.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-212

QUEEN ISABELLA OF CASTILE DAY

Whereas, the crater on the planet Venus -- Isabella -- was named in honor of Queen Isabella of Spain and is a pleasurable highlight on her 544th birthday; and

Whereas, this commemoration celebrates this great woman who is responsible for events that led to the discovery of America in 1492; and

Whereas, this novel event provides a bright tile in the mosaic that future generations around the globe will study in seeking to understand; and

Whereas, without Queen Isabella's initiative and foresight, the colonization of this country may have been delayed for an unknown period of time; and

Whereas, as a humanitarian, Queen Isabella freed the Indians brought back to Spain as slaves in her edict of July 20, 1500; and

Whereas, Queen Isabella, one of the most influential women in history, has her own engrossing story and laid the foundation of some of the solutions to many of today's problems; and

Whereas, future historians may recognize that, because Isabella's beneficent influence continues today, she is a far greater person than thought before; and

Whereas, there is a new biography entitled "Isabella de Trastamara: First Lady of the Renaissance," by the noted Dr. Elizabeth Long, that sheds new light on the historical role of Queen Isabella while highlighting the many reasons why she is an excellent role model for today's youth and an inspiration to all women; and

Whereas, on April 22, 1995, the world community will celebrate the 544th birthday of Queen Isabella of Castile;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1995, as QUEEN ISABELLA OF CASTILE DAY in Illinois.

95-213

VICTIM RIGHTS WEEK

Whereas, victims of crime and crisis, and their loved ones, often face serious financial, physical, and psychological losses; and

Whereas, some 35 million Americans fall victim to crime each year; and

Whereas, violent crime seems to be more and more brutal due to the proliferation of assault weapons, the increase in drug-related criminal

activity, and the breakup of family and community life; and

Whereas, the aftermath of criminal violence may cause additional losses to victims due to inappropriate treatment by social and government institutions; and

Whereas, certain groups -- such as victims of hate crimes, partner abuse victims, chronically mentally ill victims, homeless victims, elderly victims, child victims, surviving loved ones of homicide victims, victims of drunk driving crashes, sexual assault victims, victims who are physically or mentally disabled, catastrophic physical injury victims, burglary victims, gay and lesbian victims, victims of gang violence, victims who are poor -- are too often least served in many of our communities; and

Whereas, thousands of our fellow citizens in their work and their volunteer activities are seeking to further provide needed help to victims of crime and crises; and

Whereas, many victims and survivors of crime have demonstrated extraordinary courage and strength as they have sought to help themselves, their loved ones, and others; and

Whereas, such victims, survivors, and advocates want nothing more than the end of criminal violence in our society as expressed in the theme, "Facing Violence Today: Fewer Victims Tomorrow";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as VICTIM RIGHTS WEEK in Illinois and urge all citizens and institutions, public and private, to support the establishment and enforcement of victim rights and services in this state through participation in local and state activities commemorating those rights.

Issued by the Governor April 17, 1995.

Filed by the Secretary of State April 20, 1995.

95-214

ILLINOIS STATE TWINS ASSOCIATION DAY

Whereas, the City of Springfield will be hosting the 31st annual convention of the Illinois State Twins Association; and

Whereas, previous competitions have featured infants 3 months old to adults in their 80s who were judged on how closely they looked alike; and

Whereas, the competition will be held at the Prairie Capital Convention Center, drawing more than 200 sets of twins and 500 family members; and

Whereas, the public is invited to view the judging at 2 p.m. on Sunday, April 23, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23, 1995, as ILLINOIS STATE TWINS ASSOCIATION DAY in Illinois and wish all the participants good luck in this competition.

Issued by the Governor April 18, 1995.

Filed by the Secretary of State April 20, 1995.

95-215

MATHEMATICS AWARENESS WEEK

Whereas, the Joint Policy Board for Mathematics has observed Math Awareness Week since its initiation by Presidential proclamation in 1986; and

Whereas, the observance of Math Awareness Week helps to promote the importance and usefulness of mathematics in everyday life; and

Whereas, mathematical sciences are vital to advancements in the field of medicine, such as increasing doctors' understanding of the heart, DNA technology, vaccine strategies for fighting AIDS and other diseases, and disseminating health statistics; and

Whereas, "Mathematics and Symmetry" will be promoted as this year's theme for Math Awareness Week; and

Whereas, the combined efforts of the American Mathematical Society, the Mathematical Association of America, and the Society for Industrial and Applied Mathematics as the Joint Policy Board for Mathematics help to establish and express sound public policy about mathematical sciences and their importance to society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as MATHEMATICS AWARENESS WEEK in Illinois.

Issued by the Governor April 18, 1995.

Filed by the Secretary of State April 20, 1995.

95-216

ROOSEVELT UNIVERSITY DAY

Whereas, Roosevelt University was founded 50 years ago on April 25, 1945, in the City of Chicago; and

Whereas, Roosevelt University was one of the first universities in the nation to admit students without regard to their racial or religious backgrounds; and

Whereas, many of Illinois' finest governmental and business leaders prepared for their careers and earned degrees from Roosevelt University, including former Mayor of Chicago, Harold Washington; and

Whereas, Roosevelt University's Chicago Musical College is one of the finest music schools in the Midwest; and

Whereas, through its Institute for Metropolitan Affairs, Roosevelt University is working to produce solutions to some of Illinois' most difficult problems; and

Whereas, Roosevelt University's Auditorium Theatre is the most popular theater in Chicago for major theatrical productions; and

Whereas, Roosevelt University intends to be an even more important force in the future of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1995, as ROOSEVELT UNIVERSITY DAY in Illinois in honor of this important institution of higher education that has contributed so greatly to the leadership and growth of Illinois.

Issued by the Governor April 18, 1995.

Filed by the Secretary of State April 20, 1995.

95-217

VOCA VOLUNTEERS DAY

Whereas, the State of Illinois recognizes the importance of a prosperous global economy; and

Whereas, Volunteers in Overseas Cooperative Assistance (VOCA), a private, nonprofit organization, is celebrating its 25th year of providing technical assistance to improve the quality of life and economic well-being of people worldwide; and

Whereas, VOCA has achieved its goal through the commitment of thousands of volunteers who have worked, at the request of cooperatives, private sector agricultural and environmental enterprises, and governments, in more than 100 countries in Latin America and the Caribbean, Africa and the Middle East, Asia, Central and Eastern Europe, and the New Independent States of the Soviet Union; and

Whereas, the proud State of Illinois has provided the international community, through VOCA, with 91 volunteers who, in donating their time and expertise, have made significant contributions to democratic institution building and private enterprise development over the years; and

Whereas, VOCA and its volunteers have been and will continue to be an important resource in the world's struggle against hunger and poverty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29, 1995, as VOCA VOLUNTEERS DAY in Illinois.

Issued by the Governor April 18, 1995.

Filed by the Secretary of State April 20, 1995.

95-218

AMERICORPS*VISTA DAY

Whereas, AmeriCorps*VISTA (Volunteers in Service to America) is part of the Corporation for National Service and part of a revitalized national service movement; and

Whereas, over the last 30 years, more than 100,000 Americans have served as AmeriCorps*VISTA members across the country, using their skills to help people and communities in need; and

Whereas, VISTAs have worked to address the most urgent issues facing communities across the nation in areas of education, human needs, public safety, and the environment; and

Whereas, 160 men and women are presently serving as AmeriCorps*VISTAs in Illinois; and

Whereas, these AmeriCorps*VISTAs are serving in 26 different agencies across the state providing services such as flood relief, housing rehabilitation and tenant support, literacy, homeless assistance, community policing, family health, and employment services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 26, 1995, as AMERICORPS*VISTA DAY in Illinois.

Issued by the Governor April 19, 1995.

Filed by the Secretary of State April 20, 1995.

95-219

NATURAL RESOURCES CONSERVATION DAY

Whereas, the people of Illinois wish to live in harmony with our natural resources and wish to bequeath a better Earth for our grandchildren; and

Whereas, conservationists across our beautiful state and county work hand-in-hand with others to conserve all natural resources to create a healthy land; and

Whereas, leadership for conservation of natural resources on private lands is provided by a partnership of Illinois soil and water conservation districts, resource conservation and development councils, Illinois state conservation and agriculture agencies, and USDA's Natural Resources Conservation Service; and

Whereas, in appreciation for the efforts of landowners and landusers to conserve our natural resources, April is the month designated to celebrate Earth Day and the 60th anniversary of America's soil and water conservation movement on private lands; and

Whereas, now is the time to increase awareness among people of all ages in Illinois of the importance of our natural resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27, 1995, as NATURAL RESOURCES CONSERVATION DAY in Illinois to recognize 60 years of conservation partnership and urge all citizens to recognize the importance of conservation in our communities, join in the celebration of the land, and do what they can to conserve Illinois' natural resources.

Issued by the Governor April 19, 1995.

Filed by the Secretary of State April 20, 1995.

95-220

PHI DELTA KAPPA DAYS

Whereas, the National Chapter of Phi Delta Kappa, Inc. was founded in 1923 as a professional organization of women in the field of education; and

Whereas, Phi Delta Kappa seeks to stimulate professional growth among teachers, foster true sisterhood, promote the highest teaching ideals, and encourage the development of the potential of our youth; and

Whereas, the Mu Chapter of the National Sorority of Phi Delta Kappa, Inc. is one of 111 nonprofit chapters in our nation. Founded in 1931, the Mu Chapter is the oldest chapter in the Midwestern Region; and

Whereas, the Mu Chapter is holding its Midwestern Region Conference April 21-23 at the Bismarck Hotel in Chicago; and

Whereas, the Midwestern Region Conference, an extension of the organization's youth program, strives to increase contributions to local, national, and international charities and to expand the educational, civic, and cultural activities for our youth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21-23, 1995, as PHI DELTA KAPPA DAYS in Illinois.

Issued by the Governor April 19, 1995.

Filed by the Secretary of State April 20, 1995.

95-221

ROCKFORD DAY

Whereas, Rockford is Illinois' largest city outside of the City of Chicago; and

Whereas, Rockford is a city whose leadership embraces diversity and empowers citizens to be involved in their government; and

Whereas, Rockford is an area where the legislative delegation works together to represent regional issues; and

Whereas, the Rockford area is home to more than 1,000 manufacturers, the largest concentration of manufacturers outside Cook County; and

Whereas, Rockford's business community works shoulder-to-shoulder with the public sector in innovative public-private partnerships; and

Whereas, Rockford's economic recovery has led the state in job creation; and

Whereas, Rockford is a problem-solving community recognized nationally for

its recovery, operation, and spirit; and

Whereas, Rockford attracts thousands of tourists each year with its parks, golf courses, sports, theater, restaurants, hotels, and attractions which contribute greatly to the economy of Illinois; and

Whereas, Rockford is home to a progressive airport and host to many national and international conventions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20, 1995, as ROCKFORD DAY in Illinois.

Issued by the Governor April 19, 1995.

Filed by the Secretary of State April 20, 1995.

95-222

STAMP COLLECTING WEEK

Whereas, philatelists and others interested in stamp collecting have gathered for the past 37 years for COMPEX (Combined Philatelic Exhibition of Chicago and); and

Whereas, hundreds of frames of rare and unusual stamps will be displayed at COMPEX; and

Whereas, COMPEX is the largest club-sponsored show in the United States, presenting the widest range of exhibits by children and adults alike; and

Whereas, the theme for this year's COMPEX show is "The 50th Anniversary of the United Nations";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21-28, 1995, as STAMP COLLECTING WEEK in Illinois. I welcome all visitors and exhibitors to our state and wish them a rewarding and enjoyable visit.

Issued by the Governor April 19, 1995.

Filed by the Secretary of State April 20, 1995.

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